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PROCEEDINGS
MISSISSIPPI STATE BAR

FIFTY-SEVENTH ANNUAL MEETING

October 1962

VOLUME XXXIII NUMBER 4

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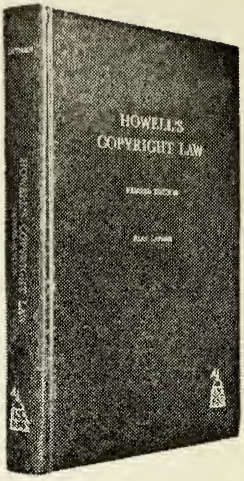

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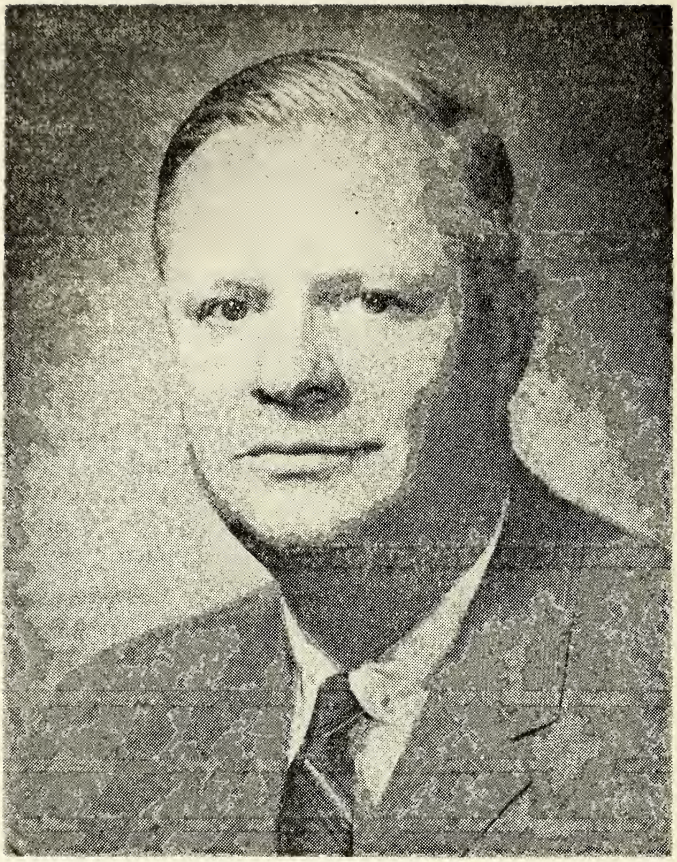

SHERWOOD W. WISE

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FIFTY-SEVENTH ANNUAL MEETING

OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on June 15-16, 1962

The First General Assembly was called to order in the Broadwater Beach Hotel in Biloxi, Mississippi, at 2 p.m., June 15, 1962, by Mr. Sherwood W. Wise, President of the Mississippi State Bar.

The invocation was delivered by the Reverend Inman Moore, Jr., of Biloxi.

An address of welcome was delivered by Mr. Rae Bryant of Biloxi, and was responded to by Mr. C. Sidney Carlton of Sumner.

Mr. Gibson Witherspoon of Meridian then introduced Mr. Sylvester C. Smith, President-elect of the American Bar Association, who delivered the following address.

ADDRESS OF SYLVESTER C. SMITH

While the memory of the War between the States was fresh in the minds of reunited Americans, the Supreme Court of the United States in 1868 characterized the Constitution as "an indestructible Union, composed of indestructible States." The tenth amendment was the basis of this utterance. What is the tenth amendment? "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." A recent law review article posed the question: "What is left of the tenth amendment?" Professor Cowen of the University of Virginia Law School concluded there was little left of the tenth amendment.

In 1955, the late Mr. Justice Jackson raised a similar question when he said:

> I know that it is now regarded as more or less provincial and reactionary to cite the Tenth Amendment. . . . That amendment is rarely mentioned in judicial opinions, rarely cited in argument. But our forefathers made it a part of the Bill of Rights in order to retain in the localities certain powers and not to allow them to drift into centralized hands. Perhaps the Tenth Amendment is drifting into oblivion.

I have recently examined the opinions in the last twenty volumes of the United States Supreme Court Reports in order to discover whether the tenth amendment is "drifting into oblivion." In these twenty volumes, I found twelve or thirteen cases in which contentions based upon the tenth amendment were directly or peripherally made. Let us discuss the case of *United States v. Oregon*. That case involved a contest between the state and the federal government over succession to the property of a war veteran who died intestate and without heirs and distributees in a Veteran's Administration Hospital in the State of Oregon.

A United States statute provides that the property of a veteran who dies intestate "shall immediately vest in and become the property of the United States . . . ." The State contended that it was entitled to the veteran's estate for two reasons: (1) the statute did not apply because there had been no valid contract with the veteran prior to his death for, at all relevant times, he had been mentally incompetent to enter into such contract; (2) even if the statute be applicable, it pertained to the devolution of property, a matter wholly reserved to the states by the tenth amendment. The Supreme Court of the United States reversed a judgment of the Oregon Supreme Court based upon the escheat laws of the State. Mr. Justice Black speaking for the majority held that a contract between the veteran and the federal government was not a necessary condition to the application of the statutes. It disposed of the constitutional question as follows:

> . . . Congress undoubtedly has the power—under its constitutional powers to raise armies and navies and to conduct wars—to pay pensions, and to build hospitals and homes for veterans. We think it plain that the same sources of power authorize Congress to require that the personal property left by its wards when they die in government facilities shall be devoted to the comfort and recreation of other ex-service people who must depend upon the Government for care. The fact that this law pertains to the devolution of property does not render it invalid. Although it is true that this is an area normally left to the States, it is not immune under the Tenth Amendment from laws passed by the Federal Government, which are, as is the law here, necessary and proper to the exercise of a delegated power.

Mr. Justice Douglas dissented, claiming that the decision made "a serious inroad on the Tenth Amendment" and that it did not "square with our conception of Federalism."

In *United States v. Oregon*, the court considered the question of devolution of property, "traditionally a State matter under our Federal system." Compare the question decided in that case with those presented and decided in the familiar Marshall opinions: *McCulloch v. Maryland*, where the court sustained the federal government's implied

power to incorporate a national bank and invalidated a state law imposing a flat tax on the operations of the bank of the United States; *Gibbons v. Ogden*, where the court expanded the scope of the commerce power; *Brown v. Maryland*, where the court precluded state taxation of an import in the original package. As Professor (now Mr. Justice) Frankfurter has pointed out, these opinions were "events in American history." Compare the issue of state taxation decided in the *McCulloch* case—at a time when the dispute over the admission of Missouri to the Union was under consideration—with the disposition of the $13,000 which War Veteran Adam Warpouske left when he died intestate in that veteran's hospital in the State of Oregon. How do we explain the difference in the significance of the issues involved? Here, to borrow a phrase from Mr. Justice Holmes, "A page of history is worth a volume of logic."

You will recall that there are two aspects of the powers mentioned in the tenth amendment: Those delegated to the United States; and those prohibited to the states.

The tenth amendment was submitted with the other initial amendments in 1789 and ratified in 1791. It was not until 1819 in the *McCulloch* case that the amendment was interpreted and applied. In that case, the court repelled the attempt of the State of Maryland to tax the operations of the bank of the United States. In the course of the decision, Marshall emphasized that the Constitution derives its authority and "proceeds directly from the people"; he conceded that the federal government was "one of enumerated powers," but unlike the Articles of Confederation, the tenth amendment to the Constitution did not contain the limiting term "expressly," Marshall used the absence of the word "expressly" in the tenth amendment, which he admitted had been "framed for the purpose of quieting the excessive jealousies" of the national government, to buttress his invocation of the implied powers in the Constitution. The tenth amendment thus left the question open to determination, and he wrote: "Whether the particular powers which may become the subject of contest, has been delegated to the one government, or prohibited to the other, is to depend on a fair construction of the whole instrument."

The tenth amendment also occupied Chief Justice Marshall's attention in *Gibbons v. Ogden*, where he explored the limits of the commerce clause. In that case he distinguished between the power of a state to *tax commerce* and *its incidents* and *its power to regulate commerce*. Taxation, he indicated, could be concurrently exercised; regulation, he intimated, might be the exclusive problem of the federal government. Nevertheless, he recognized the competence of the state "to regulate its purely internal commerce of a State," or "to act directly

on its system of police." In warning that "contests respecting power must arise," he said:

> In our complex system, presenting the rare and difficult scheme of one general government, whose action extends over the whole, but which possesses only certain enumerated powers; and of numerous state governments, which retain and exercise all powers not delegated to the Union, contests respecting power must arise.

It is strange that Marshall foresaw our complex system of living in the United States. Marshall's broad delineation of federal power was altered somewhat by decisions of the court under Chief Justice Taney. But, according to Mr. Justice Frankfurter:

> It is not true that Taney accomplished a wholesale reversal of Marshall's doctrines. He could not have done so, apart from the constraints of precedent upon him. He had strong-minded associates, for whom Marshall's views represented orthodoxy.
>
> * * * * * * *
>
> Taney's chief difference with Marshall was in his challenge of the latter's central doctrine, that the 'dormant' commerce clause operated to impose restrictions upon state authority which it was the duty of the Court to define and enforce.

Taney stated his major thesis in *The License Cases* which involved state laws discouraging the use of "ardent spirits" by requiring licenses. One of the persons indicted had bought French brandy from the original importer. The court stated:

> . . . it appears to me to be very clear, that the mere grant of power to the general government cannot, upon any just principles of construction, be construed to be an absolute prohibition to the exercise of any power over the same subject by the States. The controlling and supreme power over commerce with foreign nations and the several States is undoubtedly conferred upon Congress. Yet, in my judgment, the State may nevertheless, for the safety or convenience of trade, or for the protection of the health of its citizens, make regulations of commerce for its own ports and harbours, and for its own territory; and such regulations are valid unless they come in conflict with a law of Congress.

One other Taney case, *Cooley v. Board of Port Wardens*, has both historical and contemporary significance. What happens when Congress does not legislate in the field of interstate commerce? The question presented was whether, in the absence of federal regulation, a Pennsylvania law was valid which required vessels coming into or leaving Philadelphia to use local pilots. I quote from the classic opinion of Mr. Justice Curtis:

> Now the power to regulate commerce, embraces a vast field, containing not only many, but exceedingly various subjects, quite unlike in their nature; some imperatively demanding a single uniform rule, operating equally on the commerce of the United States in every port; and some, like the subject now in question, as imperatively demanding that diversity, which alone can meet the local necessities of navigation.

The Court continued:

> Whatever subjects of this power are in their nature national, or admit only of one uniform system, or plan of regulation, may justly be said to be of such a nature as to require exclusive legislation by Congress. That this cannot be affirmed of laws for the regulation of pilots and pilotage is plain . . . the nature of this subject is such, that until Congress should find it necessary to exert its power, it should be left to the legislation of the States; that it is local and not national; that it is likely to be the best provided for, not by one system, or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits.

Chief Justice Taney died while the War between the States raged. It is difficult in a few words to span the terms of his successors, Chase, Waite, Fuller and White, covering the years between 1864 and 1922. Chase's term reflects preoccupation with other matters; Waite's furnished the foundation, in *Munn v. Illinois*, for both state and federal regulation of business; Fuller's and White's terms witnessed the development of doctrines which culminated in the case of *Hammer v. Dagenhart*, decided in 1918, the first child labor case. The reserved powers of the states under the tenth amendment reached their apogee in that case. The question presented was whether Congress could prohibit the interstate shipment of goods manufactured in a state with child labor. The court had sustained in earlier cases the power to prohibit the transportation of lottery tickets, impure foods, women for the purpose of prostitution, and intoxicating liquors. The court felt that Congress was empowered to prohibit "the use of facilities of interstate commerce to effect the evil intended." But the court denied the power to *prohibit* interstate transportation when it was exercised with respect to "ordinary commercial commodities." The court held:

> In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely state authority. Thus the act in a two fold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter to which the federal authority does not extend.

The legal philosophy expressed in the child labor case prevailed in the early cases testing the innovations of the New Deal in the mid-thirties. Then the tide turned. In the Jones & Laughlin labor board case in 1937 Chief Justice Hughes construed the term "affecting commerce" as embracive of unfair labor practices, as defined by the Board, which "directly burden or obstruct" interstate commerce. Responding to the contention that the Act constituted an invasion of "the reserved powers of the states over their local concerns" in violation of the tenth amendment, the court refused to construe the National Labor Relations Act in such a way as to obliterate the "distinction between what is national and what is local in the activities of commerce." The court considered that distinction "vital to the maintenance of our Federal System." The court held:

> Although activities may be intrastate in character when separately considered, if they have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions, Congress cannot be denied the power to exercise that control. . . . The scope of this power must be considered in the light of our dual system of government and may not be extended so as to embrace effects upon interstate commerce so indirect and remote that to embrace them, in view of our complex society, would effectually obliterate the distinction between what is national and what is local and create a completely centralized government.

Chief Justice Hughes did not mention the child labor case in the course of his opinion. That case was specifically overruled in *United States v. Darby* in 1941 where the court sustained the validity of the Fair Labor Standards Act of 1938. Mr. Justice Stone, speaking for the court concerning the tenth amendment, said:

> The amendment states but a truism that all is retained which has not been surrendered. There is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and state governments as it had been established by the Constitution before the amendment or that its purpose was other than to allay fears that the new national government might seek to exercise powers not granted, and that the states might not be able to exercise fully their reserved powers.

The ultimate reach of the commerce power, however, is reflected in *Wickard v. Filburn*, decided in 1942, where the test of direct or indirect effects was laid to rest. The effect of that decision is described in Mr. Justice Douglas' dissent in *United States v. Oregon*: "At times the exercise of a delegated power reaches deep into local problems. *Wickard v. Filburn,* 317 U.S. 111, allowed the commerce power to ex-

tend to home-grown and home-used wheat, because total control was essential for effective control of the interstate wheat market."

The New Deal era not only witnessed the triumph of federal power in the field of commerce but also an expensive delineation of the general welfare clause. It has been stated that, "Enthroned at last, were Hamilton's bold nationalistic views. . . ." The power to appropriate and expend for the general welfare was first exhaustively considered and sustained in *United States v. Butler* where the processing tax of the Agricultural Adjustment Act of 1933 was invalidated. In the same term in which the constitutionality of the National Labor Relations Act was sustained, the court in the companion cases of *Steward Machine Co. v. Davis* and *Helvering v. Davis*, decided in 1937, upheld the old age benefit and the unemployment insurance provisions of the Social Security Act of 1935. Mr. Justice Cardozo gave a most generous reading to the general welfare clause, as he stated in *Helvering v. Davis*:

> This conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents. . . . The line must still be drawn between one welfare and another, between particular and general. . . . The discretion, however, is not confided to the courts. The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power, not an exercise of judgment.
>
> Nor is the concept of the general welfare static. Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the Nation. What is critical or urgent changes with the times.

There is another aspect of the power to tax and spend for the general welfare. The power, at least with respect to grants in aid to the states, is practically unassailable from a procedural point of view. In 1923, the Supreme Court in *Massachusetts v. Mellon* held that a state could not challenge the power of Congress to offer such grants-in-aid. "The question is political and not judicial in character, and therefore is not a matter which admits of the exercise of the judicial power." At the same time the court decided that an individual citizen had no standing to question such grants because he could not show ". . . not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally."

I pose these questions. When the several states through their representatives in the Congress sought substantial grants in aid from the federal government, did they not in effect confess their inability as a sovereign to cope with the general welfare, or other governmental services and weaken the Madison concept of the states' rights reserved?

Whenever the states seek aid from the federal government, whether it be for schools, colleges, roads or welfare, is there not an implication of surrender of claim to the exclusive rights reserved to the states?

The pervasive and exclusive power of the federal government over treaties and the conduct of wars derives from the express terms of the Constitution. In *Missouri v. Holland,* Mr. Justice Holmes held that there was no "invisible radiation" from the terms of the tenth amendment which would limit the treaty-making power. In the recent case of *Reid v. Covert,* where the court held that the provisions of Article III and the Bill of Rights of the Constitution applied to preclude trial overseas by court martial of dependents of military personnel, it was said, "To the extent that the United States can validly make treaties, the people and the States have delegated their power to the National Government and the Tenth Amendment is no barrier."

The federal government's war powers for the experiences of the second world war are too recent to be forgotten.

We turn to that part of the Amendment which is concerned with powers "prohibited to the states." The first attempt to impose the prohibitions of the Bill of Rights against the states failed in *Barron v. Baltimore* in 1833. Chief Justice Marshall stated simply:

> Had the framers of these amendments intended them to be limitations on the powers of the state governments, they would have imitated the framers of the original constitution, and have expressed that intention. Had congress engaged in the extraordinary occupation of improving the constitutions of the several states, by affording the people additional protection from the exercise of power by their own governments, in matters which concerned themselves alone, they would have declared this purpose in plain and intelligible language.

There are two main currents of constitutional interpretation relating to the fourteenth and fifteenth amendments: The problem of incorporation in whole or in part of the Bill of Rights refers exclusively to the fourteenth amendment; the problem of what constitutes "state action" refers to both the fourteenth and the fifteenth amendments.

The first cases in the Supreme Court of the United States to consider the application of the fourteenth amendment are the Slaughter-House cases in 1873. Those cases originated in Louisiana. The Legislature had circumscribed the area within the City of New Orleans in which slaughter houses could be erected and operated and had designated a certain corporation as the sole operator of such slaughter houses. This ordinary exercise of the "police power" was challenged as an abridgement of privileges or immunities of citizens of the United States conferred by the first section of the fourteenth amendment. The Supreme Court sustained the validity of the Louisiana statute. After

adverting to the War between the States and the impetus to "a strong national government which the war gave," the court continued:

> But, however pervading this sentiment, and however it may have contributed to the adoption of the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States, and to confer additional power on that of the Nation.

Ten years later in the Civil Rights cases, the court held that "state action" was a condition precedent to the operation of the fourteenth amendment. In that case convictions of hotel owners and railroads were reversed and the tenth amendment was successfully invoked to invalidate the act of Congress which the court held to be an attempt to establish "a code of laws for the enforcement and vindication of all rights of life, liberty and property." The court continued:

> The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject, and not merely power to provide modes of redress against such State legislation or action. The assumption is certainly unsound. It is repugnant to the Tenth Amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. . . . The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress.

The crucial question is what constitutes "state action" to use the term employed by the Supreme Court of the United States in the original Civil Rights cases. When state agencies and officers act directly to deprive a person of rights protected by the fourteenth and fifteenth amendments, violation is clearly established. The Supreme Court said in a recent case, *United States v. Raines*, brought against the Board of Registrars of Terrell County in Georgia and based on the Civil

Rights Act of 1957: "It is . . . established as a fundamental proposition that every state official, high and low, is bound by the 14th and 15th Amendments." The difficult problem arises when private action occurs under circumstances which indicate an ingredient of state activities. This permits an inference, based upon all of the circumstances, that "state action" within the purview of the amendment has occurred. In *Smith v. Allwright* in 1944 the court held: ". . . state delegation to a party of the power to fix the qualifications of primary elections is delegation of a state function that may make the party's action the action of the State." Ever since that case there has been an expansion of the concept of state action condemned by the fourteenth and fifteenth amendments. This is demonstrated by the other primary cases, the restrictive covenant case, and the public accommodation cases.

This is the area of constitutional controversy at the present time. The extreme position has been stated by Mr. Justice Douglas in a concurrence in *Garner v. Louisiana,* where he intimated that a corporation which is chartered by the state could not discriminate against negroes in the service of food and beverages.

The first attempt after the War between the States to incorporate the first eight amendments within the prohibitions of the fourteenth was in 1908 in *Twining v. New Jersey,* a case involving the privilege against self-incrimination, where the judge following the New Jersey law commented on the failure of the accused defendant to take the witness stand. This was permissible under New Jersey law. This attempt failed but it was renewed most recently by Mr. Justice Black in 1947 in his dissent in *Adamson v. California,* another case involving the privilege against self-incrimination. Mr. Justice Black invoked the legislative history of the fourteenth amendment:

> My study of the historical events that culminated in the Fourteenth Amendment, and the expressions of those who sponsored and favored, as well as those who opposed its submission and passage, persuades me that one of the chief objects that the provisions of the Amendment's first section, separately, and as a whole, were intended to accomplish was to make the Bill of Rights, applicable to the states. With full knowledge of the import of the *Barron* decision, the framers and backers of the Fourteenth Amendment proclaimed its purpose to be to overturn the constitutional rule that case had announced. This historical purpose has never received full consideration or exposition in any opinion of this Court interpreting the Amendment.

The proponents of incorporation, after the rebuff in *Twining,* shifted to selective incorporation of individual provisions of the Bill of Rights. This was achieved in *Gitlow v. New York.* Despite earlier statements that the protections of the first amendment were not included

within the prohibitions of the fourteenth amendment, the court in *Gitlow* succinctly stated:

> For present purposes we may and do assume that freedom of speech and of the press—which are protected by the First Amendment from abridgment by Congress—are among the fundamental personal rights and 'liberties' protected by the due process clause of the Fourteenth Amendment from impairment by the States.

The *Gitlow* case represented the first expansion of the prohibitions against the state since the enactment of the fourteenth amendment. Subsequently, there were a series of cases in which selective incorporation of the Bill of Rights occurred.

In addition to the first amendment freedoms, the court has found that indispensable to an "ordered scheme of liberty" are the fifth amendment's requirements that "just compensation" shall be paid for private property taken for public use; the sixth amendment's requirements that a defendant be assisted by counsel in capital cases; the fourth amendment's guarantees against unreasonable searches and seizures. Last term in *Mapp v. Ohio*, the Supreme Court held that the fourth amendment, which is made applicable to the state by the fourteenth, requires the exclusion of evidence in state criminal trials obtained in violation of search and seizure provisions of the fourth amendment. Mr. Justice Cardozo stated the best rationale for the incorporation or absorption theory when he said:

> We reach a different plane of social and moral values when we pass to the privileges and immunities that have been taken over from the earlier articles of the federal bill of rights and brought within the Fourteenth Amendment by a process of absorption. These in their origin were effective against the federal government alone. If the Fourteenth Amendment has absorbed them, the process of absorption has had its source in the belief that neither liberty nor justice would exist if they were sacrificed.

What is the relevance of the tenth amendment to these cases which incorporate the Bill of Rights within the terms of the fourteenth amendment or extend the concept of state action? There is no doubt under the Supreme Court's decisions that the fourteenth amendment qualifies, limits and conditions the powers reserved to the states under the tenth amendment. The authority of a recent law review article has noted: ". . . there is no inconsistency between the tenth and the fourteenth amendments. And even if there were, the fourteenth, ratified subsequent to the tenth, should prevail. It necessarily follows that the amendment, whatever it may mean, is applicable to every type of state activity."

To sum up this historical development and suggest conclusions: We have seen how the commerce clause, the power to tax and spend and other miscellaneous powers have all been interpreted to maximize the powers delegated to the United States and, concomitantly, to contract the reserved powers of the several states. If we turn to the prohibitions against the states, we see that the "vague contours" of the fourteenth amendment have expanded such prohibitions and qualified all of the reserved powers. Almost ten years ago, Professor Leonard White of the University of Chicago delivered the Edward Douglas White lectures at Louisiana State University. He said:

> I consider the constitutional issue settled conclusively against the states. The national government can now go a long way under the interstate commerce clause and the general welfare clause; and by grants-in-aid it can buy whatever additional authority Congress believes desirable. The future of the states rests not on constitutional protection but on political and administrative decisions. Indeed it rests in substantial measure on what the states do themselves. The issues of the future in this area are consequently political and administrative in nature.

I agree with Professor White's conclusion. The states in the courts have lost the constitutional battle for federalism pitched on the tenth amendment. But I am not pessimistic of the future of federalism in America. Even if the states have lost this battle, the war to perfect and preserve our federal system must be continued. We have not realized all of the values of federalism as compared to a unitary central government system. Since we aim to preserve those values, what can we do to achieve our objectives?

What is the force and function in contemporary society of the ideas embodied in the tenth amendment? Woodrow Wilson declared fifty years ago:

> The question of the relation of the states to the federal government is the cardinal question of our constitutional system. It cannot be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question.

This statement is as true today as the day it was uttered.

Even if, as the Supreme Court has said, the tenth amendment is a "truism", it should remind us that the founding fathers made it a part of the Bill of Rights "in order to retain in the localities certain powers and not to allow them to drift into centralized hands," to quote Mr. Justice Jackson. Responding to the modern problems of federal-state questions, Congress created in 1953, at the request of President Eisenhower, the Commission on Inter-Governmental Relations. It was

organized to determine whether a reallocation of functions as between the federal government and the several states was practicable and, if so, should be made. Its life expired in June, 1955, at which time it issued a report.

The report of the Commission traced the evolution of the federal system. It noted the gradual accretion of federal power and a corresponding decline of power and influence of the state governments. Despite this relative decline of power in state governments, this report and other observers have pointed out the natural reservoirs of state power. The very existence of the state, its governmental machinery—the governor, the legislature, the courts' administration of criminal and civil justice—demonstrates its power to govern. But, as Elihu Root asserted in 1909, "The states must exercise their powers . . . to govern." The states have lost some of their powers because of their failure to meet imaginatively the challenge of new social and economic conditions. The report of the Commission was especially critical of the archaic constitutions of some state governments; the failure of state governments to reapportion legislative seats; overly restrictive constitutional provisions which earmark the spending of certain tax proceeds for particular purposes. It recommended constitutional, statutory and administrative reforms to assure continuation of the states as responsible governmental units.

There are a sufficient number of basic economic, social and cultural problems which must be solved by the cooperation of the federal, state and local governments. If we could concentrate on these concrete problems, we could achieve a cooperative federalism consistent with the founders' intent of the tenth amendment.

The cold war, which requires the utmost concentration by the national government upon foreign and international affairs, offers an opportunity to the states to recapture some of the so-called "powers" which they have lost to the national government. If the states can show that they can do the job required, either separately or by compact with other states, the national government should be persuaded that the domestic needs of the country require a reinvigoration of state political power, while still retaining the broad advantages in fields particularly federal. It is the Congress which must bear the responsibility and perform its important role in drawing the line between what the states should do and what the national government must do. As Mr. Justice Holmes observed as long ago as 1904, ". . . it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." Professor Wecheler of Columbia has said:

> In a far flung, free society, the federalist values are enduring. They call upon a people to achieve a unity sufficient to

> resist their common perils and advance their common welfare, without undue sacrifice of their diversities and the creative energies to which diversity gives rise. They call for government responsiveness to the will of the full national constituency, without loss of responsiveness to lesser voices, reflecting smaller bodies of opinion, in areas that constitute their own legitimate concern.

The tenth amendment is part of the Constitution. Certainly it should be repealed if it does not fit into our modern society and polity, but to ignore it in constitutional consideration is to amend the Constitution by interpretation which is a dangerous policy. Some future court interpretation may diminish or destroy other constitutional provisions, including those enumerated in the first nine amendments, which today we hold dear. Thank you.

PRESIDENT'S REPORT

*Sherwood W. Wise**

I should like first to report on the activities of our permanent staff headed by Mrs. Alice Nevels, our capable and efficient Secretary-Treasurer. I know that numbers and statistics are sometimes dry. However, I believe that you will be impressed by the volume of work which goes through this office each year. There is an enormous amount of routine work such as correspondence, bills for dues, the maintaining of correct addresses for each of the lawyers, keeping corrected addressograph plates, keeping minutes of each committee meeting and each commissioners' meeting, keeping the books and answering the innumerable inquiries which come in daily. Twenty-six thousand three hundred sixteen copies of the *Mississippi Lawyer* were mailed during the past year. There were 20,316 pieces of bulk mail sent out from this office in addition to the *Mississippi Lawyer*. Forty applications addressed to the Board of Bar Admissions were processed during the past year. Five hundred twenty sets of Bar Examination questions were mimeographed and assembled in preparation for the Bar Examination.

Mrs. Nevels arranges for and attends practically all committee meetings. She is responsible for the details of arrangements of this annual convention which is no small task. I know you will realize that Mrs. Nevels and her staff have been extremely busy.

On September 11 a memorial service was held in the Supreme Court of Mississippi for the members of the Bar who had departed this life during the preceding year. This I consider to have been a most impressive ceremony and one which I feel meant a great deal to

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*President of the Mississippi State Bar, Jackson, Mississippi.

the families of our deceased members. It constituted a fitting tribute to these men.

During the past year it was my privilege to appoint 32 committees to carry on the work of the Bar and 353 members of the Bar served on them. These committees held 25 meetings. Most of the committees had subcommittees which met several times. The activities of the committees are largely responsible for the program of the Bar. They were active and interested committees and we are grateful to all who served in this capacity. You have received their reports and I commend them to your careful attention.

This has been a particularly gratifying year in the field of continuing legal education. To me, this is one of the most important functions of the Mississippi State Bar. It is carried on through our committees with the help and cooperation of the Ole Miss Law School and the University of Mississippi. This program has consisted of several seminars and institutes.

On August 24, 25 and 26, 1961, the Young Lawyers' Seminar was held at Millsaps College in Jackson. This was put on by the Junior Bar Section of the Mississippi State Bar and was designed to help bridge the gap between law school and law practice for those who had recently been admitted to the Bar. This seminar provided an invaluable service to these young lawyers.

The Third Youth Court Institute was held in Jackson on November 1-3, 1961. A fine program was presented which was of special interest to our Youth Court Judges.

A Labor Law Seminar was held on November 17, 1961, at the University of Mississippi. The attendance at this seminar attested to the rapid industrial growth of Mississippi. While this is a comparatively new specialty in our state, it is one which is becoming more important each day.

The Mississippi Law Institute, the sixteenth of its kind, was again held in Jackson on December 8 and 9, 1961. This is sponsored by the Jackson Junior Bar Association in conjunction with the University of Mississippi School of Law. The program this year dealt with Oil and Gas Law. As you know, this meeting has become virtually a mid-winter meeting for the Mississippi State Bar. The institute deals with a different subject each year and over the years has covered practically every specialty. We are indebted to these two groups for this annual affair. May it continue to grow and prosper.

A Taxation Seminar was held at the University of Mississippi on December 15, 1961. This specialty is also becoming more important each year. It was well attended and the fine program was well received.

A Workmen's Compensation Law Seminar was held at the University of Mississippi on February 16, 1962. This was a highly successful seminar, was well attended and presented an outstanding program.

On March 16, 1962, a Criminal Law Seminar was held at the University of Mississippi. So far as I know this is the first time that a seminar has been held dealing with this subject. An outstanding program was presented and those who attended received it with enthusiasm.

An Oil and Gas Law Institute was held at the University of Mississippi on May 10–12, 1962. Again the program was excellent and was enthusiastically received by a large number in attendance.

As you may recall, we had a Legislative Session this year. Your Bar representatives were very much in evidence on the floors of the House and Senate working for the adoption of our Legislative program. We feel that we met with considerable success. I should like particularly to comment on Senate Bill No. 1712 which is known as the Corporations Act of 1962.

This bill completely rewrites the corporation laws of Mississippi. The new law is based upon the Business Corporation Model Act as compiled over a long period of time by the American Bar Foundation. It is, in effect, a blueprint of corporate existence. It brings, I believe, into our law the very best of corporate laws as taken from the experience of every state in the Union. It should be a tremendous help in the industrialization of Mississippi. Prospective corporations and their counsel can find in our law as fine a foundation for their corporate functions as exists anywhere. We feel that this is a tremendous contribution which the Mississippi State Bar has made to the jurisprudence of Mississippi.

Many of our new members worked diligently and successfully on the bill which became law and which raised the salaries of our Circuit and Chancery Judges. This legislation was overdue and we are happy to report that it was adopted.

Two major matters failed of passage. The first was due largely to the general financial picture in which the State found itself. This was the proposed Department of Justice Building. This proposal was included in an omnibus bill which dealt largely with institutions of learning. The provision for the building survived the Senate but was eliminated in the House. This was a disappointment to us as we feel that this building is badly needed. The Supreme Court is seriously cramped in its present quarters. As you know, valuable records must be filed in the hallways and in the basement of the Capitol Building. The judges' offices and conference rooms are totally inadequate. The Law Library has just about reached capacity. The Attorney General occupies inadequate space which was intended for Senate Committee rooms. His staff is badly cramped for space and the Senate needs these committee rooms. The Mississippi State Bar operates in one room on the bottom floor of the New Capitol. A new building is needed to house, in a proper manner, all of these important functions. We very much hope that the effort to secure this building will be continued to a successful conclusion.

The Mississippi State Bar had previously approved in principle a Uniform Commercial Code. This bill was prepared by our committee and was introduced in the Senate. It was a very long bill and a very complicated one. Largely for this reason coupled with the late hour of its introduction, it never came up for floor action. We hope that the time and efforts spent on this bill will eventually be rewarded and that the bill can later be enacted into law.

Twice during the past year ceremonies were held in the Mississippi Supreme Court for the admission of young lawyers to the Bar. These were both impressive ceremonies which no doubt meant a great deal to those participating.

We have cooperated with the American Bar Association in many of its activities during the past year. We felt particularly privileged to do this due to the Presidency of this Association by our own member and past president, John C. Satterfield.

The American Bar Association annual meeting held in St. Louis in August of 1961 was well attended by our membership. At that meeting President Satterfield took the reins of office in the presence of many of his state friends. Your President, your Secretary-Treasurer and your Public Relations Director attended conferences dealing with their particular duties at that convention.

The A.B.A. mid-winter meeting in Chicago last February was also well attended by our members. Again your President was privileged to attend the Conference of Bar Presidents at that meeting.

The A.B.A. Southeastern Regional Meeting held in Birmingham on November 9-11, 1961, was an outstanding success. Approximately one hundred of our members attended. The President's reception, honoring President and Mrs. Satterfield, was sponsored by the Mississippi State Bar. It was a beautiful affair and was greatly enjoyed by all of those lawyers and their ladies who attended the meeting.

The Mississippi State Bar was represented by delegates and by your President at the Judicial Conference for the Fifth Circuit held in Jacksonville, Florida, May 9, 10, and 11, 1962. This was a fine experience for those of us who were privileged to attend.

I am particularly grateful to the Board of Bar Commissioners who have manifested so much interest and have been so helpful during the past year. The Commissioners met on July 27 and November 2, 1961, and on January 4 and May 24, 1962. These were hard working meetings at which the functions of the State Bar were carried forward with diligence and dispatch. The attendance at each of these meetings was excellent and the cooperation was wonderful.

It has been a great privilege for me to work with Sidney Carlton, your President-elect, during the past year. We have worked closely together and he has been an invaluable part of this administration.

He will bring to the presidency a wealth of knowledge, experience and interest and enthusiasm. I am certain that the Mississippi State Bar will prosper in all of its activities under his leadership.

I cannot lay down the reins of office without bringing a few recommendations for needs which have impressed me during the past year.

As I have pointed out, we have an excellent permanent staff. I feel that the activities of the Mississippi State Bar have progressed to a point where we should consider most seriously the addition of a full time Executive Director in addition to the staff which we now have. Such a director could act as a coordinator of all bar activities. He could be in constant contact with the various local bar associations. He could organize and help to execute a strong over-all program of activities from year to year.

I have also been impressed with the need at least for a part-time Director of Continuing Legal Education. We have in the past had a fine program along this line. This is largely due to the cooperation which we have received from the Law School and the Continuing Education Program at the University of Mississippi. These have been fine so far as they have gone. We now feel the need, however, of bringing these programs closer to the lawyers of the state. These programs need to be repeated in several places more accessible to the lawyers. Moreover, the Continuing Legal Education Program should have a greater continuity which can come only from constant planning well in advance of each Bar year. Several of our sister states have part-time directors who also perform duties as teachers in the state law schools. Such an arrangement might very well be feasible for us within the near future. I believe that in time it can be financially self-sustaining.

As you know, our annual dues are twenty dollars per year. This is below dues assessed by most state associations. We cannot raise the dues as this is within the province of the Legislature. For that reason some additional sources of revenue should be sought. One possibility is the establishment of a Mississippi Bar Foundation which could receive gifts, grants, legacies, etc. Such a foundation could undertake such projects from time to time as seem to be desirable.

Lastly, I should like to recommend that a permanent Long-Range Planning Committee be established. A committee has been provided by the Board of Bar Commissioners to study this problem and it will present a plan to this convention. The idea is to bring more continuity to Bar activities and better planning on a long-range basis. This committee should be a permanent committee with reasonably long tenure and with overlapping terms. This committee could study the needs of the Bar for several years in advance and could set goals which the Bar should in time obtain. I trust that you will give the recommendations of the committee which will report on this subject your earnest consideration.

As you will see we have had a very active year. I have personally derived a great deal of satisfaction from my associations with you during this year. I have come to know and to appreciate the Bar of the State of Mississippi as never before. It is truly a wonderful group of people. It is a group which is dedicated to the highest traditions of the legal profession. I hope that the Mississippi State Bar has been in the past and will ever be a worthy service organization to this group.

Mr. B. B. McLendon of Jackson reported on the Mississippi Law Institute and extended an invitation to members of the Bar to attend the Seventeenth Annual Mississippi Law Institute on December 7-8, 1962, in Jackson. This year's topic will be Real Property Law.

Mr. Hugh N. Clayton of New Albany, Chairman of the Special Committee appointed by the Board of Bar Commissioners, read a resolution for creating a Permanent Standing Committee on Long-Range Planning. The resolution was adopted.

Mr. C. Sidney Carlton of Sumner presented a resolution concerning the principles which should govern the relationship between the legal and medical professions. The resolution was adopted. Mr. Carlton also presented a resolution designed to authorize the Lawyers' Business Affairs Committee to contact West Publishing Company in an effort to work out a solution to the problem presented by publication of the Southern Reporter. Mr. Carlton pointed out that the Southern Reporter contains only ten per cent Mississippi decisions due to the fact that the other three states have intermediate court reports published therein. This resolution was also adopted.

Judge Robert G. Gillespie presented the report of the Study Committee and moved that the Legislative Committee handle the proposals accordingly. Judge Gillespie also moved that the Legislative Committee continue its action with regard to those bills recommended by past conventions. The report was adopted.[1]

Mr. Shelby R. Rogers of Jackson, President of the Hinds County Bar Association, extended a cordial invitation to all members of the Bar to attend the Bar Convention in Jackson in June 1963.

SECOND GENERAL ASSEMBLY

Saturday, June 16, 10:30 a.m.

The meeting was called to order by President Wise. The Reverend Bert Ward, an associate rector of St. Peter's By The Sea Episcopal Church, conducted a prayer service.

Mr. Will S. Henley of Hazlehurst then introduced Mr. John C. Satterfield, President of the American Bar Association, who delivered the following address.

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[1] All committee reports are in Appendix A.

THE STATES WILL NEVER DIE THEY ONLY FADE AWAY

John C. Satterfield

It really is a great pleasure to be here with my home folks after having spoken in 42 states and having traveled through 22 foreign countries within the last fourteen months. I have met with lawyers from 104 nations of the world, in Puerto Rico, Japan, Nigeria, and in Rome.

I know that you would be interested in my judgment similar to what it was a year ago when I spoke to the Bar, and it has been more than confirmed, that throughout the United States there is not any prejudice against Mississippi or the South. There is in truth and in fact a warm affection everywhere for things southern. It has been tremendously heartening to me to know this. There are some misunderstandings in some of our problems for lack of information. But let me give you just one illustration before I get to the serious portion of my talk.

I was in Minnesota at a meeting of the Minnesota Bar Association night before last at a banquet. We flew all night, got to New Orleans at 4:22 a.m. yesterday morning so we could be here yesterday, and then came on over during the morning. Now in Minnesota at the banquet, they had a big picture of a steamboat in Mississippi on the right. They had a picture as big as one of these panels of a southern mansion behind the speaker's stand. They had another picture that big of the cypress breaks to the left. They had a rebel flag as big as one of these big squares hanging in the back of the room. At the speaker's table, at every place there was a Confederate flag. At each place in the room they had M. C. C. Fertilizer from Yazoo City; they had a map of Yazoo City and Yazoo County; they had a brochure on Mississippi, the Hospitality State; they had a brochure on the Mississippi Centennial being held this year; they had little matches that had written on them "The Satterfields, Yazoo City, Mississippi." When Mary went on the boat ride day before yesterday, they had three bales of cotton that they had gotten from somewhere and put out there on the boat. They served cornbread and pecan pie, and the wife of one of the former presidents of the Minnesota Bar dressed up like a negro mammy and danced to the tune of Dixie played on a banjo. And that's what they think of the South and Mississippi all over the United States, and I mean that's true from Maine to Oregon and from California to Florida.

You saw demonstrated yesterday the feeling of Sylvester C. Smith, Jr., our incoming President, and his attitude with reference to Constitutional questions and matters of government. But I thought today for a few minutes I would like to talk about some warning signals that

have been given for many years by members of the Supreme Court to the legal profession of fundamental changes which are being made in our form of government as a result of, or being permitted by, judicial decisions. The fact that these changes are gradual does not prevent them from being so fundamental and so far reaching, that the form of government now emerging has little resemblance to that which was set up under the Constitution of the United States as adopted and as amended by the several states. Again and again members of the Supreme Court of the United States have called the attention of the legal profession to the changes which are being made, the dangers arising from such changes and the possible ultimate result there. These warnings appear in the dissenting, concurring and even majority opinions of the Court and with the assistance of several of my friends, I have in the office a three volume compilation of extracts from six hundred decisions of the Supreme Court of the United States made within the last nine years, and several extracts from many of those six hundred decisions pointing the danger signals to the legal profession and to the citizens of the United States.

And, as a matter of fact, the republic formed under the Constitution of the United States as adopted and amended by the several states is now being transformed into a strong centralized government. If the process continues, the states may soon become little more than the local governmental agencies existing as appendages of the central government and largely subject to its control. Furthermore, the United States of America is becoming a centralized, monolithic government with broad and sweeping powers and control over the individual citizens extending to almost every phase of human existence. These changes have resulted from or have been permitted by judicial decisions rendered since the turn of the century although, in the last sixty-two years, there has been only one amendment adopted affecting this process which was adopted in accordance with the provisions of the Constitution, which is the sixteenth amendment whereby the federal government is permitted to levy income taxes.

Said Mr. Justice Frankfurter, one of our great Justices of the Supreme Court, in the *Polish Alliance* case:

> The interpenetrations of modern society have not wiped out state lines. It is not for us to make inroads upon our federal system either by indifference to its maintenance or excessive regard for the unifying forces of modern technology. Scholastic reasoning may prove that no activity is isolated within the boundaries of a single state, but that cannot justify absorption of legislative power by the United States over every activity.

And as was said in the eulogy of George Washington by Daniel Webster in 1832:

> Other misfortunes may be borne, or their effects overcome . . . .
> But who shall reconstruct the fabric of demolished Government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security and Public prosperity?

If we do what we should in the legal profession, it is necessary that we constructively, respectfully, freely and fearlessly criticize our courts, and particularly the Supreme Court of the United States, in the decisions which it has rendered. You would be surprised how frequently we have been requested to do so by members of the court.

Said Mr. Justice Brewer, in 1898:

> It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. . . . True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death.

And not long ago Mr. Chief Justice Harlan F. Stone said this:

> I have no patience with the complaint that criticism of judicial action involves any lack of respect for the courts. When the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment upon it.

And on March 21, 1962, Mr. Justice Frankfurter laid the blueprint of the fundamental approach and the fundamental thing that is happening in our form of government through decisions of the Supreme Court of the United States in the case of *Baker v. Carr,* when he said:

> The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only five years ago. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. It may well impair the Court's position as the ultimate organ of 'the Supreme Law of the Land' in that vast range of legal problems, often strongly entangled in popular feeling, on which this Court must pronounce. The Court's authority—possessed neither of the purse nor the sword—ultimately rests on sustained public confidences in its moral sanction.

Now, what can we do about it? There is one phase I would like to call to your attention, and only one this morning, and that is what has

been happening under the decisions of the court construing the general welfare clause to permit taxation of almost any kind for almost any purpose found to be in the public welfare by the Congress and by the two decisions, which I don't have to discuss with you and with which you are familiar, holding in effect that no one has the right to bring a suit to question any federal funds spent for any purpose, and that's really the effect of these two decisions.

Now, let's see what's been happening since I finished at Ole Miss as most of you did, because in this day when we are engaged in a world wide fight with Communism, and must win it, we sometimes tend to overlook what is happening to us and to our form of government. When I finished at Ole Miss, the government expenditures were $3 billion dollars for current expenses. They increased from $80 billion in 1960 to about $92 billion now, and were only $3 billion when I finished at Ole Miss. State and local expenditures have increased from $8 billion in 1930 to $54 billion in 1960. In other words, federal spending increased more than twenty-five times, and even without regard to military expenditures, and taking into consideration the decrease in the value of the dollar and the increase in population, federal expenditures in that period have increased 845 percent. It is interesting also to know because they say, "Oh, military expenses caused it." Since 1954, the military expenditures by the federal government in their operational budget have decreased $1 billion dollars, but the budget has increased $14 billion dollars, every penny of which went for civilian projects and not for military purposes. Not only that, but when I finished at Ole Miss, the direct federal liability in outstanding federal bonds was $16 billion. In 1960 it was $290 billion. It's up to about $300 billion today.

When I finished in 1929, 12 percent of the gross national product—that's not net income—was taken for tax purposes, state, local, and federal. Last year 24 percent of the gross national product was taken for public tax purposes. And just by a little arithmetic, it is easy enough to see that in 1970 we may expect, if the present trend continues, a federal budget of $160 billion. And in 1990, if this thirty year trend continues, we may expect one half of the gross national product to be taken for tax purposes of federal, state, and local governments.

But that's not all. Here is something many of us don't know—and all of these figures are taken from Maurice H. Stans, who was director of the budget up until this present administration came in—but if this Congress has not or does not authorize another bond, another federal bond in thirteen years, the federal debt will increase from approximately $298 billion to $739 billion in a period of between thirteen and fourteen years under the present authorization existing under present federal statutes, which will mean that as a matter of fact every family in the United States will be then liable for twenty-one

thousand six hundred dollars of federal debt, and every time a boy and girl marries in the United States they will assume a federal debt of twenty-one thousand four hundred dollars. And it is estimated that every family in the United States today pays in taxes to the federal, state, and local government about two thousand two hundred dollars every year—that is the average paid by every family in the United States each year. And if the pending bills in Congress were enacted, the budget would increase to $50 billion a year.

That, however, is not quite as bad as what I am going to tell you now, perhaps. What has been happening to the federal and state government, that is what the point conveys, the point of this whole thing—of course the other is tremendously important—but that is the thing. When I finished Ole Miss, the state and municipal governments and the one hundred two thousand lower subdivisions, the counties, the school districts and all other types, received 68 percent of the public dollar, the tax dollar, and 32 percent went to the federal government. Last year there went to the federal government 73.7 percent of the public tax dollar, and the states, municipalities, counties and local districts have been reduced to 26.3 percent or thereabouts, and if that trend continues —it has slowed up the last two or three years, but it looks as if it is going the other way now—but if the thirty year trend was to continue, in 1990 the federal government would receive 85 percent of all public taxes paid and the state, county and local governments would receive only 15 percent thereof.

But you haven't heard anything yet. The federal government has seventy grants-in-aid programs in thirty-two categories. Dr. Benson, who was the financial advisor to the budget for several years, estimated that in 1960 of the taxes levied by the states, 24 percent were dictated in the method of expenditure—who would receive it and how they would receive it—by the federal government. And if the trend for the last thirty years continues for the next thirty, in 1990, not only would all the states and local subdivisions receive only 15 percent, but 50 percent of the expenditure of that portion will be dictated by the federal government, which would mean that if we continue, what you and I have been doing, since I graduated from Ole Miss, in 1990 the federal government will either collect and spend or dictate the expenditure of 92.5 percent of all public taxes; state, municipal and all local subdivisions will collect and determine the expenditure of 7.5 percent of public taxes.

Now in this phase, although this was permitted by the Supreme Court of the United States in overruling former decisions, nevertheless, there is no one to blame but you and me for the simple reason that those expenditures are made by our representatives in the House and Senate. I am not going to ask you to hold up your hands physically, but

do it mentally. How many lawyers here this morning at any time in the last ten years, when you knew of a program proposed in Congress that would spend federal money in Mississippi, got in touch with your Senator and Representative and asked him to vote against it? Nor will I embarrass you by asking you to hold up your hand as I ask how many of you, finding public funds to be spent in Mississippi under some grant-in-aid program, or directed by the government itself, how many of you got in touch with your Representative or Senator and said, "Hold it up. Don't spend that federal money." And we will never stop this trend unless and until the people of the United States let their representatives in Congress know that we want the federal government to pull in instead of expand the grant-in-aid expenditures. There is no other way to do it, and we should do it when it is something that affects us and our own families. May I say it seems to me that that is the general feeling throughout the United States, but no one is doing anything about it.

We do, however, have three phases and three ways that we can help to remedy this situation. Frankly, I do think that it is a very dangerous and a very fundamental thing. The only quotation is from Dr. Benson whom I quoted a while ago. He is a man originally from Pennsylvania, now located in California. Here is what Dr. Benson says:

> If the present trend continues long, our "sovereign" states of yesteryear will have become mere administrative districts of the national government and America will have lost much of its rich tradition of decentralized government. I have a very definite feeling that the losses in citizen responsibility are very great, that a fundamental part of American institutions is disappearing before our eyes, with very little concern on our part. I am afraid that the American states have a future as a confused part of a great national bureaucracy.

But we can do something about it, in the first place, in the field of judicial decisions. In the words that I read to you and many similar words, the Justices are responsive to the feeling of the legal profession and the public even in the areas of law. We need to study and see what is being done. I am giving four other different addresses this year as to what is happening in different fields, how there is being taken over every phase of criminal law by the federal courts completely supervised by the federal courts in certain decisions with which many of us are familiar. In a statement made by Mr. Justice Douglas in January, in the *Girard* case and other cases, the principle of so-called state action, which in the Civil Rights Cases were under the states' jurisdiction, had to do with the relationship of individuals, is about to be extended so that the federal courts will take over complete supervision of the relationship of citizens to each other in all the phases of life which heretofore have been within the state jurisdiction; of what is happening in the field of balancing against national security and law enforcement the

individual rights of those who have violated the law to the extent that law enforcement and national security suffer by it. If we will study this, and let it be known, and let the courts know it, as was said by the Justice I quoted, free and fearless, but, nevertheless, respectful, criticism, it will have its effect and it will be a proper effect, requested repeatedly and pointed out repeatedly to the Bar of the United States.

But we must go further. The courts alone cannot stop this trend. Under the present state of decisions, the court will have no effect on the matter of federal expenditure. We and only we are the ones who can see that our representatives in Congress see that that phase is stopped. And then we can in our own personal time let not only our own people know it, but let those whom we know throughout the United States know what is happening to our great republic.

It has been a wonderful experience to be President of the American Bar Association. At 9:30 a.m. the 10th day of August, 1962, I am going to quit being so danged dignified, and get my feet back on the ground.

We have a fine meeting set in San Francisco. I hope just as many of you as possible will be there. Mary and I will have a big suite, practically a football field—it's almost a hundred yards across—and I hope all of you will come and make that your headquarters. It is wonderful to be back with the homefolks. I have really enjoyed it. It has been a tremendous experience to represent Mississippi as President of the American Bar Association.

Mr. Warren V. Ludlam of Jackson delivered a report on the current efforts to establish a permanent continuing education program and presented a resolution that the Board of Bar Commissioners be given full authority to proceed with the establishment of the program outlined. The resolution was unanimously adopted.

Mr. Chester H. Curtis of Clarksdale delivered the Report of the Resolutions Committee expressing on behalf of the members of the Bar its appreciation to those who planned and participated in the Convention and the other Bar activities during the year.[1] Mr. Curtis also presented a "Resolution Memorializing The Late Judge Roy P. Noble of Laurel, Mississippi." Both resolutions were adopted.

The next item of business was election of officers. Judge Lester Clark of Hattiesburg nominated Mr. Edward J. Currie, Sr., of Hattiesburg for the office of Vice-President; Mr. Earl T. Thomas of Jackson and Mr. Howard A. McDonnell of Biloxi seconded the nomination. Mr. T. H. Hedgepeth of Jackson nominated Mr. David C. Welch of Laurel for Vice-President and Mr. Roy Noble Lee of Forest and Mr. Fred B. Smith of Ripley seconded the nomination. Mr. Edward J. Currie, Sr., was elected.

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1 All committee reports are in Appendix A.

Mr. E. C. Ward of Natchez was nominated by Mr. Earl L. Wingo of Hattiesburg for the office of Second Vice-President and on Mr. Wingo's motion, Mr. Ward was elected by acclamation.

Mr. Will S. Henley of Hazlehurst was nominated by Mr. Hugh N. Clayton of New Albany as State Bar Delegate to the House of Delegates of The American Bar Association. In action upon a motion by Mr. Jesse W. Shanks of Purvis, Mr. Henley was elected by acclamation.

Jackson having been selected as the site for the 1963 convention at the 1961 Bar Convention, the Gulf Coast area was selected as the site of the 1964 meeting.

Mr. C. Sidney Carlton assumed the Chair. The following Commissioners were elected:

District 1—Byrd Mauldin, Pontotoc
District 2—Albert Sidney Johnston, Jr., Biloxi
District 3—Lester F. Sumners, New Albany
District 4—Willard L. McIlwain, Greenville
District 5—Thomas A. Bell, Grenada
District 6—Wilfred A. Geisenberger, Natchez
District 7—Dan Shell, Jr., Jackson
District 8—J. O. Hollis, Carthage
District 9—Frank E. Everett, Jr., Vicksburg
District 10—George F. Dabbs, Jr., Quitman
District 11—Eugene Thompson, Marks
District 12—Homer W. Pittman, Hattiesburg
District 13—Willis T. Matthews, Magee
District 14—John T. Armstrong, Hazlehurst
District 15—Donald Kruger, Prentiss
District 16—J. Wilmot Thomson, Jr., Vicksburg
District 17—Herbert M. Fant, Sardis
District 18—Lowell W. Tew, Laurel
District 19—Edmond A. Wilson, Pascagoula

The Fifty-Seventh Annual Convention of the Mississippi State Bar then adjourned *sine die*.

The following is a list of the past presidents of the Mississippi State Bar:

1906—G. H. Shands (deceased)
1906—Murray F. Smith (deceased)
1907—C. H. Alexander (deceased)
1908—J. S. Sexton (deceased)
1909—T. H. Somerville (deceased)
1910—W. H. Powell (deceased)
1911—A. F. Fox (deceased)
1912—R. N. Miller (deceased)
1913—Robert B. Mayes (deceased)
1914—Sydney Smith (deceased)
1915—R. B. Campbell (deceased)
1916—A. T. Stovall (deceased)
1917—A. A. Armistead (deceased)
1918—S. E. Travis (deceased)
1919—J. B. Harris (deceased)
1920—Gabe Jacobson (deceased)

1921—George J. Leftwich (deceased)
1922—J. B. Holden (deceased)
1923—R. H. Thompson (deceased)
1924—Stone Deavours (deceased)
1925—J. N. Flowers (deceased)
1926—D. W. Houston (deceased)
1927—R. E. Wilbourn (deceased)
1928—George W. Currie
1929—T. C. Kimbrough (deceased)
1930—George H. Butler (deceased)
1931—W. W. Venable (deceased)
1932—Jeff Truly (deceased)
1933—J. H. Price (deceased)
1934—W. Calvin Wells (deceased)
1935—Frank E. Everett (deceased)
1936—David E. Crawley (deceased)
1937—Marion W. Reily (deceased)
1938—R. M. Kelly (deceased)
1939—W. H. Watkins (deceased)
1940—W. E. Morse
1941—Alexander Currie (deceased)
1942—Charles F. Engle (deceased)
1943—Ross R. Barnett
1944—Bidwell Adam
1945—Earle L. Wingo (deceased)
1946—R. C. Stovall
1947—Stokes V. Robertson, Sr. (deceased)
1948—Phil Stone
1949—Robert W. Thompson, Jr.
1950—Gibson B. Witherspoon
1951—Quitman Ross
1952—Charles B. Snow (deceased)
1953—Jerome S. Hafter
1954—Robert J. Farley
1955—John C. Satterfield
1956—M. M. Roberts
1957—W. S. Henley
1958—Breed O. Mounger
1959—Hugh N. Clayton
1960—David Cottrell, Jr.
1961—Sherwood W. Wise

PROCEEDINGS OF THE TWENTY-SIXTH ANNUAL MEETING OF THE JUNIOR BAR SECTION

Held at Biloxi, Mississippi, June 14, 1962

The General Assembly of the Junior Bar Section was called to order at 1:30 p.m., June 14, 1962, in the Broadwater Beach Hotel, Biloxi, Mississippi, by Mr. E. C. Ward, President of the Junior Bar Section.

The invocation was delivered by Mr. James C. Pittman, Jr., of Greenwood.

An address of welcome was delivered by Mr. Frank J. Hammond, Jr., of Moss Point, and was responded to by Mr. James Hugh Ray of Tupelo.

The first order of business was the presentation and consideration of committee reports.[1]

Mr. James K. Child, Jr., of Jackson presented the Report of the Young Lawyers' Seminar Committee. Mr. George P. Hewes III of Jackson presented the Report of the Law Day U. S. A. Committee. Mr. Lauch Magruder, Jr., of Jackson presented the Report of the Admission Committee and Mr. B. B. McLendon, Jr., of Jackson presented the Report of the Mississippi Law Institute Committee. Mr. Frank A. Riley of Tupelo then reported on the American Bar Convention, Junior Bar Conference, held in St. Louis, August 3-8, 1961.

Mr. Earl T. Thomas of Jackson then introduced Mr. Leon Jaworski of Houston, Texas, President of the American College of Trial Lawyers, who delivered the following address.

ADDRESS OF LEON JAWORSKI

Mr. President, and my good friend, Earl Thomas—and by now you know he is my good friend—distinguished jurists, ladies and gentlemen, back home in one of our smaller communities they were burying a fellow who had lived a rather "ne'er do well" life, being a shiftless sort of person, but at the graveside the people of the community thought they would say a number of nice things about him. Some of the large brethren came up and said words of praise, others stepped up to pay tribute to this man, and finally one man got up and paid the high compliment, this man having been truly one of the leading citizens of this community, and this fellow raised up and said, "Hell, they're burying the wrong man," and all I can say to you, ladies and gentlemen, is that I reached for that program because I thought he was introducing the wrong speaker.

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[1] All committee reports are in Appendix A.

Now most younger members of the Bar are interested in advocacy, regardless of whether they enter the courtroom frequently or seldom. They realize, as does the older lawyer, that the law as it exists today and as it will shape itself tomorrow is due in a large measure to the work of the advocate as an officer of the court. It is because of this realization that I have chosen to address you on the subject of preparation for trial, and in addition, be it either for good measure or to increase your boredom, as the case may be, to throw in a few ideas and observations on the examinations of witnesses. The latter subject I approach with some reticence and humility, there being in this audience a number of outstanding trial lawyers, some of whom have spoken on the cross-examination of witnesses and have written with profundity on that subject, including my friend, Earl Thomas.

Spectators at trials, including lawyers, have been heard to make the statement that an advocate they were observing was "brilliant" and "gifted." The chances are that the complimentor has given scant consideration to the many hours of labor, thought, and study behind this impressive showing. It is not so much the native talent, but the hours of preparation that bring success to a lawyer in the courtroom, and this is particularly true in the successful examination of witnesses. I have seen lawyers of great ability conduct the examination of witnesses in a mediocre manner because they rested on their laurels of the past as a substitute for work and preparation. I have also seen lawyers possessed of only average ability examine witnesses superbly because of thorough and painstaking preparation. The truism that "no skill comes easy" has particular application to the trial lawyer's handling of witnesses in the courtroom. The more thorough the preparation, the greater is the skill he displays.

In these remarks that bear upon preparation for trial and kindred matters, I should point out before proceeding further that I am merely giving expression to views and beliefs one forms from observation and experience. They may be sound—and again, they may be of questionable value. I pass them on to you for whatever they may be worth. And if I seem dogmatic in my expressions, please bear in mind that I am influenced solely by the depth of my convictions and not because of any desire to impose my beliefs on you. I should also like to mention that your interest and mine in the trial of lawsuits is confined to the use of legitimate and ethical stratagems in the search for truth, and it is within these limits that my remarks are submitted to you.

The pleader should develop as fully as practicable both the facts and the law before he attempts to draw his pleading. It is true that at times some of the facts may have to be gained by resorting to discovery procedure after the pleading has been filed. It is also true that although the initial preparation and planning were thorough, cir-

cumstances arise that require amended pleadings. Then, too, it is frequently wise for the defendant to defer filing his ultimate or trial pleading until after he has completed his discovery proceedings. Absent these exceptional circumstances, we still find it to be common practice for a pleading to be filed without adequate investigation into either the facts or the law. This is very poor strategy. Amendments are not always permitted as a matter of right, but even in jurisdictions where they are, a haphazard original pleading may result in the necessity of filing an amendment containing matters inconsistent with the original pleadings, to the detriment of the case.

Unless unusual or emergent circumstances exist that preclude full investigation, there is no excuse for the filing of a suit without the available witnesses having been interviewed, the facts analyzed, and the applicable legal theory or theories determined. Witnesses frequently are willing to give interviews and written statements prior to the filing of a suit, but unwilling, after the filing of a suit. Still, it is not an uncommon occurrence for some lawyers to rush to the courthouse with a complaint after meager investigation into the facts, only to find that witnesses are unwilling to talk after learning that litigation is already in progress. By haphazard planning, this lawyer has lost the benefit of preparation that may be important to his case. He has lost what may have been a powerful weapon on cross-examination.

Because I consider the obtaining of written statements of prospective witnesses to be one of the most important, as well as most neglected, phases of the overall planning or defending of a lawsuit, I would like to make more than passing comment on that subject. Such a dissertation may appear somewhat sophomoric at first blush, but it has been my observation that many lawyers, even some with many years of experience, pay scant attention to the manner of taking statements and their form, and as a consequence, such statements are eventually of little, if any, use. They overlook that a statement, when poorly taken, can frequently be rendered useless by an artful explanation on the part of the witness when confronted thereby. A good statement, carefully and thoroughly taken, guides the examiner on direct in knowing how far to go and aids him on cross, not only in determining what to ask, but also in curbing the witness should he go astray.

Of the several types of statements that may be taken of witnesses, none are so puncture-proof as those written entirely in the witness' own handwriting. Statements so given leave little room for escape should the witness seek to change his testimony at the time of the trial. Such statements have a particular value with some types of witnesses who will give more information in statements prepared by themselves than in response to hours of interrogation. Experience has taught that self-written statements in many instances have been found to be much

more informative and complete than extensive interrogations. Naturally, the opportunity for challenging the method of obtaining the statement is greatly reduced when entirely in the handwriting of the witness.

When the literary capacity of some witnesses does not enable them to do much writing, any attempt to obtain a statement in the handwriting of the witness would be an obvious mistake. But, if the witness can read and also write some, it is suggested that after the statement is prepared by the interrogator, the witness should be asked, before signing, to add in his own handwriting words similar to these: "I have read the above statement. It is true and is all I know about this matter." Claims that the statement was not read before the witness signed it and similar excuses will not then be available upon confrontation with the statement on the trial. If a statement is taken under circumstances that suggest the witness may undertake to repudiate it later, reputable witnesses should be present at the time of taking—perhaps even a court reporter. A question and answer form of interrogation, taken down by a court reporter, is another excellent means of committing a witness to his testimony, and I am sure the dear lady to my right will not object to my making that statement.

The most common error is for statements of witnesses possessed of a very mediocre education to be written in polysyllables and often in legal and technical language. Upon repudiation of the statement, a jury would be inclined to agree with the witness that he knew not what he signed.

There are obvious advantages to the taking of the oral deposition of an adverse witness. One is that the advocate is enabled to determine the full extent of the adverse witness' testimony. Another is that he is given an opportunity to study the witness, and thus better determine just how to handle him on cross-examination on the trial. Then, too, the deposition can be used for purposes of impeachment, should the witness seek to enlarge on his testimony on the trial.

In the drama that unfolds in the courtroom, who is the most important individual among the participants? The witness, of course. All eyes are glued on him—all ears strain to catch his every word. Why, without him there would be no issue of fact to determine! It is he who tips the scales of justice is favor of one party or the other. How many times do we hear the post-mortem comment, "He was a good witness," or, "He was a poor witness"? Why was he good, or why was he poor? In most instances, the witness was good or bad in direct relationship to the good or poor pretrial preparation of the lawyer who called him to the stand.

The admonition never to put a witness on the stand without first talking with him to determine all the witness knows about the case

can not be overemphasized. The legitimate preparation of the witness for direct examination, as well as cross-examination, is a part of the lawyer's duty. A cursory review with an important witness without meticulous explanation of the matters that will be inquired into on direct and cross-examination does injustice both to the witness and the cause. Needless to say, I am referring to the type of preparation that brings forth the truth and that will enable a witness to give the court and jury the full benefit of the facts known to him.

The proper preparation of an important witness is, to me, the most tedious part of the pre-trial activities, and taxes my patience more than any other phase of pre-trial work. Nevertheless, I realize its great importance, and therefore I set aside just as much time for this task as the circumstances require. I do not stop with simply reviewing the testimony I expect to elicit and the matters that will probably be gone into on cross-examination. I discuss with the witness my conception of proper courtroom manner. I undertake to allay his fears about the courtroom and to assure him that the bombastic courtroom scenes usually seen in picture and television shows are imaginary. Particularly, do I emphasize the fact that the witness has nothing to fear so long as he adheres to the truth. I assure him that the judge is there to protect the rights of the witness and will not tolerate mistreatment, should the opposing counsel be so unwise as to attempt it. Among other things, I caution him not to be "cocky" or act clever, not to volunteer matters not inquired into, to stop when objections are made, not to try to be funny, and not to be sarcastic. I suggest to him to speak distinctly and to look at the jurors, first one and then another, while testifying—to look them in the eye and speak to them; to take his time in answering questions; and not to anticipate questions by interrupting the examiner, and to make certain that he understands fully the question before undertaking to answer it. And, finally, I acquaint him with his rights as a witness—the right to ask for an opportunity to explain his answer, if necessary to answer truthfully. I admonish him not to look pleadingly at me for help if he gets into difficulty. I urge him to admit that I had talked with him at length about his testimony, but on occasions he still will deny on cross-examination that he ever saw me before. I am sure that each of you has had that experience, and there is none more frustrating.

The client needs to be subjected to special preparation before entering the courtroom. In addition to the instruction that applies to all witnesses, the client should be advised particularly on the importance of making a good impression. Emphasis should be placed on his courtroom manner, also on his dress.

The interviewing of some witnesses is sometimes pretermitted on the basis that they are the "other side's witnesses." Personally, I am

much more interested in a careful interview of "the other side's witnesses" than I am of the witnesses I know favor my client's side of the case. I conceive it to be the duty of the trial lawyer to attempt to interview every potential witness in the case. It should be borne in mind that the witness is not supposed to be either side's witness, and that his sole function is to tell the truth impartially. Of course, this suggestion does not include the adverse party, who, for ethical reasons, is talked with only in the presence of his attorney.

If the case involves the use of technical testimony, the best expert available should be employed as early as practicable. The use of such an expert is a part of the lawyer's investigation of the case. If he has the benefit of the advice of a good expert, his case will be prepared on a sound basis. Particular care should be exercised that the expert understands that the lawyer is not interested in having his case supported by testimony obviously unsound. Nothing is more harmful to a good cause of action or a good defense than to have an expert undertake to support it by venturing into theories and asserting opinions that are unreasonable on their face and become a happy hunting ground for the cross-examiner. Beware especially of some "professional" expert witnesses.

Being human, experts will make mistakes. Some times this is due to superficial preparation. If the expert is worth using at all, he should be well-versed in the subject of his testimony, and his preparation should be detailed and thorough. The careful trial lawyer will not accept the expert's conclusion without testing it thoroughly and without interrogating the expert in every detail as if he were on cross-examination.

Experts need to be instructed on proper courtroom demeanor while testifying. Do not let them assure you that they are thoroughly experienced in the art of testifying, are old hands at the game, and need no special instruction. An expert who had written an article on the subject, "The Expert Witness," testified in an important case a few years ago—and after five minutes of cross-examination became intemperate and shouted his answers at the cross-examiner.

Experts should be instructed to speak clearly and in as simple words as possible. They should be encouraged to resort to vivid explanations and illustrations whenever possible. The more homely the illustration, the better it is usually understood and accepted.

The well-prepared trial lawyer will not only outline the proof he expects to offer, but he also will plan his cross-examination, especially of the more important witnesses he knows his adversary will call. I don't mean that he will prepare a list of questions to read to them, for this is the poorest of all methods of cross-examination. But, I do mean that he will decide upon the most effective approach and tech-

nique of cross-examination to be employed for each known adverse witness. He will form at least a general idea of what questions to ask and which to leave alone. This sometimes requires many hours of study and thought for just one important witness.

Especially in the last decade or two, much has been said of the use of demonstrative evidence—a chart, a model, a picture or the like. Many grasp a point better through their eyes than through their ears, and a well-demonstrated point makes a more lasting impression than the mere spoken word. Moreover, the model or chart or other item may be admitted as an exhibit and find its way to the jury room during the deliberations. In preparing for trial, full attention should be given to the use of such proof.

Perhaps the greatest asset to the trial lawyer is a sound understanding of human nature. The judge before whom he appears is a human, as are the jurors on whom he depends for a verdict, and the witnesses from whom he seeks to elicit the testimony that will justify his client's position. How do these humans react to the lawyer's handling of a witness? What influences the jurors in their appraisal of the value of a witness' testimony? What causes a witness to respond fully and effectively under the questioning of one lawyer, yet be less cooperative and less revealing under the questioning of another lawyer? The peculiar traits of human beings are found interspersed in every phase of a court proceeding, and unless a lawyer recognizes and knows how to deal with them, he will find himself at a distinct disadvantage. This is sometimes referred to as "courtroom psychology."

Another important asset the advocate should possess is the ability to evaluate facts. What are the significant facts? What are the impelling and persuasive facts? What facts will influence the drawing of a favorable conclusion? What matters are relatively unimportant? Some advocates have referred to this as a "sense of proportion." Whatever it be termed, the faculty of weighing and appraising the value of facts can be developed. It is acquired by study and practice and by experience. But in all too many trials we find advocates falling into the error of belaboring court and jury with detail and minutiae which serve no useful purpose and frequently cause jurors to form unsympathetic opinions to both the guilty lawyer and the cause he represents.

Much has been said and written about the art of cross-examination. Yet, in the final analysis, in most instances, the effective cross-examination is dependent primarily on the thoroughness of preparation of the case. Of course, spontaneous situations arise when unexpected testimony is adduced which careful preparation did not foresee, and at such times the cross-examiner must fall back on his native ability, his experience, and his ingenuity. Generally, however, a very thorough and care-

ful preparation will enable the advocate to anticipate the testimony with which he will be confronted, and, in such cases, the cross-examination should be carefully outlined and planned in advance. The most effective and successful cross-examinations I have seen have come as a direct result of hours and sometimes days of planning and preparation of how to handle just one witness.

Every advocate has his idea as to the do's and don'ts of cross-examination. It is significant that as to the fundamentals of good cross-examination most experienced advocates are in full accord. Still we find that there are some who adopt one technique—and with success—which other good advocates would disdain. Again, the human equation enters into the matter. We come back, therefore, to what has been mentioned earlier—that there are "types" of trial lawyers, and each must find the technique that is most natural and effective for him to adopt.

It seems to be fairly well recognized by now that the unpardonable sin in cross-examination is the asking of that one more question—the question that is really unnecessary in most instances, and so often proves to be the fatal one. Many illustrations have been given of instances in which the cross-examiner asked one question too many.

It is a strong temptation to cross-examine every witness, and I believe that the most difficult words the advocate finds in his vocabulary is to say, "no cross-examination." Time and again lawyers will cross-examine witnesses when the witness has not really harmed their case, and in many such instances the result is that the cross-examiner has simply given the witness a chance to enlarge upon his testimony on direct examination. Invariably, I advise the witnesses I use to be on the alert for opportunities on cross-examination when the "broad" question is propounded and to seek to explain and buttress their testimony when the cross-examination has made it admissible. I have seen witnesses who helped the side that called them very little on direct, but who under cross-examination strengthened the force of their testimony. In some situations, although the testimony on direct is damaging, the cross-examiner should know that there is nothing in the witness' testimony that he can hope to eliminate or to dilute by cross-examination. Yet, in all too many instances he will cross-examine, and the only purpose he has served is to give the witness a chance to repeat and to re-emphasize his damaging testimony. Rufus Choate, the great Massachusetts advocate, is reported to have said, "Never cross-examine any more than is absolutely necessary. If you don't break your witness, he breaks you; for he only repeats over in stronger language to the jury his story. Thus, you only give him a second chance to tell his story to them. And, besides, by some random question, you may draw out something damaging to your own cause."

If I am in position effectively to impeach a witness, either by use of a deposition or a written statement, or otherwise, I choose to go forward with the impeachment immediately upon taking the witness on cross-examination. I have seen other advocates adopt a different technique. They will cross-examine the witness on other points, and then undertake to impeach him later in the cross-examination. Personally, I think the most effective way to destroy a witness is to do it promptly and without hesitation. I have various reasons for so believing. For one thing, when the witness is turned over on cross-examination, the jury is usually quite alert to see what will happen next. A monotonous and wearisome cross-examination before resorting to the impeachment evidence usually finds the jury inattentive and distracted by the time the impreachment is undertaken. In addition, a witness is usually more nervous and less poised at the beginning of the cross-examination than after he has had awhile to become accustomed to the experience.

I like to go after his "jugular vein," as the saying goes, immediately. Of course, the predicate has to be laid, and I lay it as quickly as I can, making certain, however, that the jury fully understands the predicate. For instance, if I use a deposition, I do not simply ask the witness whether he didn't testify to such and such a fact at the time I took his deposition. I first have the witness testify to the circumstances surrounding the taking of his deposition—that the lawyer on the other side was present, that the witness was sworn, that a court reporter was present, that the questions were asked and the witness was given full opportunity to answer the questions, that the witness told the truth on that occasion, and that the witness had an opportunity to read his deposition before signing it. And, let me add parenthetically that I never waive the signature to the deposition of an adverse witness. It is only after this type of predicate has been laid that I make use of the conflicting testimony in the deposition. If the impeaching evidence is a written statement, I also go fully into the circumstances under which the statement was taken so as to show that it was taken fairly, that the witness knew what he was doing and that the witness had full opportunity to read and correct the statement before signing.

Having once impeached the witness, I usually forego further cross-examination unless it is important that other aspects of his testimony also be challenged. It must be remembered that with the witness impeached he is in disfavor with the jury, but he may by his subsequent testimony re-establish himself. Too, having impeached the witness, I like to take the position before the jury that the witness is simply unworthy of belief and that the rest of his testimony should also be discounted. I have still a third reason. With the impeachment having been conducted impressively and to the point, the jury in its delibera-

tions will have no difficulty in remembering this development distinctly. But a long and tedious subsequent examination of the witness may obscure it.

I am sure that every cross-examiner has his own "pet" theories and notions and stratagems, and the following are some that appeal to me.

It is well to develop the ability to think quickly and to make decisions promptly. Hesitation in the examination of a witness, long pauses and indecision on the part of the examiner, allow the witness too much time and often enable the witness to stay ahead of the examiner. A witness who is falsifying or distorting the true facts often benefits by a slow and halting cross-examination.

It is also well to develop a retentive memory. An effort to write down the answers to certain questions or the practice of constantly taking notes during the course of the examination impairs the effectiveness of the examiner's work. Engaging in argumentative or overbearing mannerisms while cross-examining is bad practice. It seldom accomplishes anything helpful and usually results in the jury's forming an antipathy to the examiner. There is no substitute for adopting an attitude of complete fairness to the witness, and it should be practiced at all times.

Do not let the witness divert you by proceeding along collateral lines in his answers. Every effort should be made for the examiner to take the lead and for the witness to follow. Otherwise, the results of the examination will lose effectiveness.

The question "Why?" in my opinion is a dangerous question. It allows the witness much latitude, and frequently opens the floodgates to testimony that would not be responsive to a more restrictive question. I refrain from asking the question "Why?" unless I am certain of the answer or have nothing to lose by whatever answer may be given. When helpful admissions have been obtained from the witness on cross-examination, it is risky for the cross-examiner to go back into the same subject matter. The witness is thereby given a chance to alter or dilute his testimony by further explanations.

When the witness makes an answer injurious to the cross-examiner's case, no outward signs of the impact of the answer should be shown. I have seen cross-examiners become quite agitated when the testimony of a witness was hurting, and this only adds fuel to the fire. The jury naturally concludes that the examiner's case has been dealt a severe blow.

I now add two or three additional general observations. Whenever possible, I avoid objecting to the admissibility of testimony. Even if the testimony is inadmissible, if it is not harmful to my case, I prefer to let the testimony go into the record rather than to object repeatedly and have the jurors conclude that I am trying to withhold something from them.

The order of presenting one's witnesses is sometimes rather important. Usually, I try to begin my presentation with a strong witness and also close with a strong witness. Sometimes this is not feasible, but wherever I can do so I like to open my case impressively.

No matter how well one prepares his case and how thoroughly witnesses are instructed, witnesses are human, and they sometimes will become subjected to stage fright or for other reasons fail to give the testimony within their knowledge. An adroit examiner often can safely bring his witness over these rough spots. Sometimes the questions should be reframed, and sometimes a witness needs to be placed at ease by a gentle word or two. The examiner who becomes annoyed at his own witness can be of no help to the witness, and usually succeeds in making matters worse.

I would like to add a few words about juries because sometimes the question of whether to call for a jury is an important part of preparation.

By and large, our juries not only are conscientious and fair-minded in the performance of their duties, but the results of their verdicts are fair. May I add, parenthetically, that I have tried more cases for the defendant than the plaintiff. There are exceptions, of course, and sometimes a juror lets his predilections control him, and sometimes he prefers to yield to bias and prejudice in making his determinations. I strongly subscribe to our system of trial by jury. In the course of his work over a long period of time, a judge, no matter how honest and upright, is bound to come to some rather fixed opinions and conclusions that may subconsciously control his determination of a case involving factual issues. Then, too, it is my belief that many fact questions should be heard and weighed by men not trained in law, not experienced in trials, but who possess the approach of the average American layman. Not to be overlooked is the fact that many issues can better be rationalized and decided by twelve men of average experience than by one judge, though learned and fair he be. I have never tried a jury case but that I felt that the jury had followed the evidence closely and had done its best to arrive at a fair verdict. I am not saying that there have not been occasional jurors whose purpose appeared to be otherwise.

In looking back over my remarks, I find that I have been rather liberal with my advice. If you try any or all of these suggestions, and they fail to produce the desired results, please don't be too upset. They don't always do the job for me, either. Thank you.

President Ward then introduced Mr. Kenneth J. Burns, Jr., of Chicago, President of the American Junior Bar Conference, who delivered the following address.

ADDRESS OF KENNETH J. BURNS, JR.

Thank you, Mr. President. After such an excellent address by Mr. Jaworski, I can only take refuge in one thing, and that is, talking about something. I have two points, two subjects, that I would like to discuss with you. First, briefly something about the current status of affairs of the many junior bar organizations in this country, and second, something in which I think all young lawyers in particular should be interested, and in which I hope this Junior Bar Section will give its attention soon.

Now to the first subject. One may inquire, particularly of lawyers such as yourself who are interested in a Junior Bar organization or group, what does the existence and the activity of this group and your participation in it amount to? I can't answer for what you may think of what you have been doing with your time in this section. I can, however, give you some idea of what Junior Bar groups are doing and whether or not they, in fact, measure up to what I think, on the surface, looks like a great deal of activity. In the past few years I have become familiar with many and this past year has given me a peculiar vantage point in trying to be as objective as I can; what I have seen I like very much. There are exceptions. There are a few Junior Bar organizations in name only. The amount of activities of these groups is not only substantial, but the nature of the activities is very imposing, and the young lawyer participating in such a group could not help but be satisfied that his efforts are worthwhile, and similarly, the Bar Association having one of these groups as one of its parts has a very valuable asset. For example, each year we put out a report in which we try and summarize some of the activities. Let me give you just a few of them. You have heard talk about how the profession must interest the best high school students in our profession. Well, in Arkansas they are doing something about it. The Junior Bar Section prepared a booklet describing the "Practice of Law," designed for reading by high school students, together with a manual for use by high school advisers, so that the two could be used together to tell high school students about our profession.

We have all heard and we all know how important the professional standards of ethics are to our profession. In California, the younger lawyers there prepared a hand book on "Legal Ethics" designed not only to state what the canons say literally, but to give illustrations of the application of the canons in practical, every day practice.

In Illinois, my home state, the Junior Bar there has for two or three years now prepared newspaper articles for some one hundred or one hundred fifty down-state newspapers to tell the public about typical situations in life in which not only the services of a lawyer would be desirable but in which the public, the man on the street, may be involved in legal matters which he may not otherwise know anything

about. In your own Section here, in your Practical Legal Education course, I think it is also demonstrating a very valuable and important activity to the organized Bar.

Now what about the Junior Bar Conference, the organization I have the honor to represent this year? Let me tell you a little bit about it. It was established in 1934, about the same time when most Junior Bar organizations were formed in most state Bars in the country. Why was it established? Well, it was established for the same reason as is true in your state and elsewhere—because of the realization by the American Bar Association that the interest and the participation of its younger members, the few that it had, was too far removed. The A.B.A. at this time, whether consciously or not, was a senior lawyers' organization. Secondly, insofar as reasons, we have lawyers, the newly admitted lawyers in the thirties, knowing nothing about the organized Bar. In fact, as I recall my law school days, some ten years ago, I learned nothing about the organized Bar even as late as that. I didn't even know it existed, and that was certainly true in the thirties. Those things combined caused a gap in the time when a man graduated from law school, became admitted and practiced law for a while, and the time when he became interested in the organized Bar on the national level. Well, it was to fill this vacuum, I think, that the Junior Bar Conference was conceived in the American Bar Association, and for the same reason you have Junior Bar groups in every state and substantially all of the larger municipal areas in the country today.

Now at the time the Junior Bar Conference was formed it had no money, it had no administrative staff, it had no program, virtually. Some of the senior members of the Bar who were not in favor of the idea in the first place, and thought that in words it was creating something that would eventually take over the A.B.A., or at the very least, nothing good would be forthcoming from it. In spite of this somewhat dubious beginning, the J.B.C., just as state and local groups have done, has grown substantially and consistently. I would like to list a few of the accomplishments of the conference, and I think it will illustrate this similar kind of accomplishment in state and city. For example, probably the most important and least appreciated one is the initiation of many of the programs that eventually have become a routine part of the service or the organization of the Senior Bar.

So far as the American Bar Association is concerned, the Junior Bar Conference initiated the work in the field of economics, professional and public relations, in the administration of traffic courts, the approval of that administration, and most recently in the National Placement Information Service for lawyers for members of the A.B.A. Now fifteen years from now nobody will remember that, and it makes no difference whether we do or don't. The important thing is that we have it. My

point is that that is probably the single, most important thing the Junior Bar groups have done throughout their history, and that is to undertake things that have become common, everyday parts of the work of the organized Bar.

Certainly, another real accomplishment of the Conference was in turn initiated by the groups, such as yours here in Mississippi and in Florida, and that is the continuing legal education program for the newly admitted lawyer. In over thirty-two states today such a program is being presented on a regular basis by the Junior Bar organizations involved.

In another field, there is the young government lawyer. We all hear about the need to hang onto qualified men with legal positions in the government. Last year the committee on the subject in the Junior Bar Conference prepared a report on what the young lawyers in government themselves thought about that work, and I think some things about government employment in due time will probably be corrected to the point where a man going into government as a young lawyer is more apt to stay there because of the favorable conditions.

Now, today, by comparison with what I mentioned before, we have some thirty thousand Junior Bar Conference members and over one thousand are active on committees now. The budget this past fiscal year is $43,000 and it will be over $48,000 this coming fiscal year. We have a full time staff, one lawyer and a secretary. We have a regular publication which all of you who are members of the A.B.A. and are of Junior Bar age receive four times a year. We have special publications, some of which I am sure you have received. If not, you will shortly. These are in the field, for example, of a medical-legal handbook describing many of the text books available to lawyers whereby they can get a better understanding of the anatomy, or anything else that would be helpful in that field. We have a book on Economics in Practice, on Professional Ethics and Responsibility, on the Unauthorized Practice of Law. We have an annual meeting every year to which some five or six hundred young lawyers come. This one this year has already been mentioned. I certainly know that there will be a strong group from Mississippi because you have never missed yet. I hope that that group will bring with it this year some of the younger men in your section. On the program I might mention that we have Governor Keyser of Vermont; Assistant Attorney General Levinger, head of the Anti-Trust Division; Ambassador Morrison of the Organization of American States; and, Bishop Pike from San Francisco, along with several others on new panels.

There are weaknesses. The main weakness in the Junior Bar Conference is certainly not found in this section of the country. The main weaknesses—and there are some sections, two in particular, the New

England area and the Rocky Mountain states—in which we do not have a sufficient representation of the views of the younger lawyers. The South, to the contrary, has always been very active. In fact, the only real criticism I have ever heard of the Junior Bar Conference is that it was dominated by the South. Well, the simple answer to that is that if it was true, you deserved it. You did all the work. There is no reason why you shouldn't have the men from the Southern States who hold the most responsible positions.

I would like to mention now the second part of what I have in mind. If you agree with me that what I have described about the present situation indicates that the Junior Bar as a whole is not only an important part of the profession, but is doing meaningful things for the profession, then I would like to suggest something for your further attention. I think to get into that subject, we know that the legal profession is called a "profession." The reason is because we have undertaken over a period of years in our history things such as the improvement of the administration of justice, such as providing legal aid to those who are unable to afford it, to the establishment and adherence to standards of professional ethics, and we have, in addition, in order to do these things better, organized ourselves, voluntarily or integrated Bar Associations. Now these events or steps illustrate that the profession is fully capable of doing things for its own self-improvement and to satisfy a responsibility to society. Now it is because lawyers have organized themselves to do those things that I think we need not apologize or look for any justification when we call ourselves a "profession."

I would like to discuss with you one thing, another essential responsibility which I think must be satisfied as we continue to call ourselves a profession as distinguished from just a livelihood, and that is the subject of learning. Every pronouncement you will read concerning what goes to make up a profession recognizes the element of learning as one of the important essentials. Dean Pound has given the classic statement. He said historically, "There are three ideas involved in a profession—organization, learning and a spirit of public service." Now the element of learning, or among what might well be called "professional confidence," has not always been regarded with such importance in this country. Indeed, the chief motivation for the organized Bar in the post-Civil War days was the deep concern over the virtual lack of any requirements or standard for admission to the Bar. In Andrew Jackson's time, whatever requirements there had been for admission to the Bar had largely been overthrown in favor of the individual to follow whatever occupation he chose.

I think the quest, you might call it, for the learned legal profession has gone forward ever since Civil War days when we began to inch away from that notion that virtually anyone could practice law if he wanted to, regardless of his education.

In 1900 the Bar Examination was really quite familiar on the American scene, first, optional and now, in many states, required for admission to the Bar. In 1922 we had a national conference on legal education. The impetus that conference encouraged led to what is now familiar in virtually every state.

The approved law school, with the minimum standards to which it must adhere, includes a three-year course of study.

Still another milestone in the quest for a learned profession occurred in 1958, at the National Conference on the Continuing Education of the Bar at Arden House in New York. The Arden House Conference was the first attempt in this country to analyze and to give direction to the separate efforts of various segments of the Bar to improve the professional competency of lawyers. By enlisting tremendous interest and activity on the part of the state and local bar associations in this field, the Conference has already proved to be extremely significant.

Moreover, the Conference may well be a great step toward a truly learned profession, because it recognized that the obligations of each lawyer for self-improvement should not end with his admission to the Bar, but rather should continue throughout his career, and it further recognized that the Bar itself also has a responsibility to see to it that there is ample opportunity afforded to each lawyer for this continuous self-improvement.

Something which, if it occurs, may be still another step in our quest is the recognition of specialization or proficiency in a particular field of law practice. In 1954, the American Bar Association approved in principle the necessity for regulating voluntary specialization in various fields of the practice for the protection of the public and the Bar. It also then recognized that in order to entitle a lawyer to recognition as a specialist in a particular field, he should meet certain standards of experience and education wholly apart from admission to the Bar. The implementation of these principles has had several abortive beginnings, but as yet no implementation has been approved. At its coming meeting in San Francisco this August, the American Bar Association will give further attention to this important subject.

Needless to say, there are almost infinite problems in establishing any meaningful standard whereby a lawyer may be recognized as a specialist, as well as in defining the fields of practice in which it may meaningfully be said that a special proficiency should be recognized. I do not pretend to give this subject the attention it deserves. The only reason we are talking about specialization in the law practice today is, I think, because we recognize the need that lawyers must be more competent and more expert. We are not satisfied with the standards to which we adhere when we become admitted to the Bar. However, the continuing legal education program and the consideration now being given to

recognition of specialization, although they are two very current and important activities of the organized Bar, do not, in my opinion, really get us to the problem. They indicate the concern; they indicate that we are not satisfied, but they do not get to the problem. They don't face up to the reason why we are concerned, and I think that the reason is because in the legal profession there is no explicit professional obligation upon every lawyer to be competent. These programs may induce us to become better lawyers but they do not require us to and there isn't anything, believe it or not, that says we must be.

One would suppose that, surely, such a standard or responsibility exists and that all of us are committed to it. As I have said, eminent commentators have uniformly included learning as an essential reason why the practice of law is a profession. Yet, one may read the Canons of Ethics in vain for any standard or requirement for professional competence. And, although I have not examined each of them, the oath I took, the oath you took, and those oaths I have read which other lawyers have taken upon admission are silent on anything inferring a standard or responsibility for competence, let alone a continuing obligation for self-improvement. At the most, these oaths require us faithfully to discharge the office of attorney to the best of our ability.

In the same vein, there is a precedent for the thesis that the competency of an individual lawyer is *not* really a matter with which other lawyers or the Bar as a whole should be concerned. For example, it has been held that proof of carelessness or mistaken judgment is not sufficient to justify discipline. In one case, the court refused to discipline an attorney because he failed to give his client's business the attention which duty demanded. According to the court, he had not thereby been guilty of any dishonorable or unprofessional conduct. The court did not regard it as unprofessional for the lawyer to have failed to pay attention to his client's business. One decision by the Supreme Court of California in speaking of causes for discipline of lawyers flatly states: "He must perform his duties to the best of his individual ability, not the standard of ability required of lawyers generally in his community. Mere ignorance of the law in conducting the affairs of his client in good faith is not a cause for discipline."

These views are, I think, the result of the historically accepted notion that, once admitted, a lawyer is qualified to do whatever of a legal nature he is asked to do. The basic reason for this notion may well be because of the troublesome era in the last century when the Bar struggled so hard to establish at least some qualifications for admission to the Bar. Once this goal was reached, it is perhaps understandable that we have not since thought much about yet another plateau of competence or about any obligation for continued preparation and training after admission.

But, be this as it may, and contrary to the judicial views I have mentioned, there is precedent for the notion that there is a post-admission standard of professional competence to which lawyers must adhere. Although not in cases in which the lawyer is charged with professional incompetency, courts have stated that discipline may be predicated upon less than fraud, or deceit, or conversion, and that anything which brings discredit to the profession is an abuse of the professional privilege. Courts have also said it is their duty to recall the privilege to practice whenever it is shown that the holder is no longer worthy.

Beyond these general statements, which literally would seem to include incompetence as a basis for discipline, I know of one case where a court censured a lawyer for several things, including his "carelessness, laxity of methods and ignorance of federal regulations."

Legal malpractice cases, however, carry the fact of incompetency to a more painful level, since it is settled that a lawyer may become liable to his client in a civil case for the recovery of damages if the lawyer is guilty of malpractice. And it is in legal malpractice cases, rather than in grievance or disciplinary matters, that the courts have most clearly stated the standards of competence which the individual lawyer must satisfy. In a recent malpractice decision in North Carolina, the Court said that when a lawyer agrees to be employed by a client, the lawyer

> impliedly represents that (1) he possesses the requisite degree of learning, skill, and ability necessary to the practice of his profession and which others similarly situated ordinarily possess; (2) that he will exert his best judgment in the prosecution of the litigation entrusted to him; and (3) he will exercise reasonable and ordinary care and diligence in the use of his skill and in the application of his knowledge to his client's cause . . . . [He] is not answerable for a mere error of judgment or for a mistake in a point of law which has not been settled by the Court of last resort in his State and on which reasonable doubt may be entertained by well-informed lawyers.

Legal malpractice cases are rare. Liability of a lawyer for malpractice is even rarer. No doubt the prime reason for this is that almost every lawyer tries to represent his client as best he can, and if he is otherwise competent and prepared, he should not suffer any liability because his client does not ultimately prevail. Be this as it may, and dependent as it is on initiation by clients rather than by the Bar as a whole, it is in this relatively limited area of the law that we find some expressed standard of professional competence to which we are expected to aspire and adhere.

If a client may enforce such a standard against his lawyer, surely the Bar as a whole may also expressly impress such a standard upon

every lawyer. If this is so, the quest for a learned profession should not end at the point where we find ourselves today. The Bar should do more than provide opportunities for continuing legal education. It should do more than give lip service, as at Arden House, to the obligation of the individual lawyer to continue his education throughout his professional life. It should not be satisfied with recognition of fields of specialization. And the Bar should not leave it to clients to enforce the only post-admission standard of professional competence being enforced today.

Rather, there is still a further step to be taken—a step which recognizes that the competence of the individual lawyer is a matter for which both the lawyer and the Bar as a whole have express responsibilities. To this end, the Bar would do well to put its quest for a learned profession on a permanently sound foundation, by establishing a new canon. This new canon should expressly impress upon each lawyer the responsibility to adhere to a standard of learning, skill, care and diligence at least common to the lawyers of his community.

It should include the obligation of each lawyer so to prepare and conduct himself that whatever rights and interests his client may have are at all times fully protected. It should include the obligation of each lawyer to continue his legal training and education and to develop his skills throughout his career. This new canon, in short, should at the least encompass all the principles to which the courts look in determining whether a lawyer should be held liable for malpractice. Finally, it should also include the recognition of the responsibility of the Bar, as a whole, to safeguard the public from lawyers who do not adhere to these responsibilities.

This proposal is not novel. It really but makes explicit what I believe all responsible and well-thinking lawyers have always assumed to be a part of their professional obligation, and what courts have already announced as an appropriate part of the lawyer's duties to his client. Morever, the proposal is in substance no different from the standard long adopted by the medical profession.

The American Medical Association's "Principles of Medical Ethics" expressly provide that physicians should continually strive to improve medical knowledge and skill, should make available to their patients and colleagues the benefits of their professional attainments, should practice a method of healing founded on a scientific basis, and should seek consultation in doubtful or difficult cases or whenever it appears that the quality of medical service may be enhanced thereby. In addition, these principles expressly provide that "the medical profession should safeguard the public and itself against physicians deficient in moral character *or professional competence*." (Emphasis added.)

It would be well for our profession to follow this lead. If we were to do so, such standards for professional competence should be

enforceable in the same fashion as we now, by self-policing, enforce the ethical standards of our profession. In time, the necessary effect of this would, I suppose, be the suspension of lawyers, such as the one described above who clearly failed to attend to his client's business, as well as any others who fail to meet the suggested standards, for such time as is necessary for them to show that they have sufficiently remedied their failings.

The authority of our courts to enforce such a standard of competence would seem clear, wholly apart from the fact that they are doing substantially just that in malpractice cases: If it is settled, as it is, that the license to practice law is not an absolute right in the first place; if we may impress upon that license the requirement that the lawyer comply with the Canons of Professional Ethics, in addition to the other restrictions society has imposed upon everyone; if we may require, as some states do, every lawyer to be a part of an integrated bar and to pay annual assessments for ends which some may well disapprove as obnoxious to their personal convictions; then surely our courts may also require each of us to adhere to express standards of competence, adopted and imposed by the Bar itself, over and above the basic requirements for admission to the Bar—a standard which will justify our insistence that we are a truly learned profession.

If, as I am suggesting, we establish explicit standards of professional competence, I am confident the result will not be the wholesale suspension of brother lawyers. Rather, as it has in the past, our profession as a whole will rise to meet and satisfy these new standards.

Indeed, most lawyers do so today. And, just as the present canons of professional ethics serve as guides, so will the suggested canon serve to guide many more lawyers to a level of professional competence to which they would not otherwise aspire. The result can only be new heights of deserved public respect for and confidence in our profession and the increased pride of each of us in the high calling we follow.

It is a privilege for me to attend this meeting and a pleasure for me to enjoy your warm hospitality and attention. The Mississippi Junior Bar Section is one of the finer young lawyer groups in the country which has always provided this State with able representatives in the activities of the younger lawyer group which I have the honor to represent this year. Certainly you need no encouragement from me to continue your service to the organized Bar and to your profession as a whole in this State. I hope only that you have found the subject of my remarks to be interesting and worth your further attention. Thank you.

President Ward then reported on the accomplishments of the past year.

The next order of business was the election of officers. The following officers were duly elected:

Frank R. Riley, Tupelo, President
George P. Hewes III, Jackson, Vice-President
Executive Committee:
Northern District:
Hunter M. Gholson, Columbus
Edward P. Connell, Clarksdale
Central District:
Jack W. Brand, Jackson
James K. Child, Jr., Jackson
Southern District:
Sherman L. Muths, Jr., Gulfport
Alfred P. Statham, McComb

Mr. Frank R. Riley of Tupelo presented a certificate of merit and recognition to President Ward.

The Twenty-Sixth Annual Meeting of the Junior Bar Section was then adjourned *sine die*.

The following is a list of past presidents of the Junior Bar Section of the Mississippi State Bar.

1936—Hugh N. Clayton
1937—Jesse Graham (deceased)
1938—John C. Satterfield
1939—Charles A. Sisson
1940—George M. Ethridge, Jr.
1941—J. Morgan Stevens
1942—Frank Everett, Jr.
1943—Richard E. Stratton III
1944—Paul Parr (deceased)
1945—John W. Wade
1946—William N. Ethridge, Jr.
1947—James S. Eaton
1948—George Woodliff
1949—W. Arlington Jones
1950—E. Cage Brewer, Jr.
1951—Kenneth Franks
1952—Robert G. Nichols, Jr.
1953—Lampkin H. Butts
1954—Josh Morse III
1955—Charles B. Henley
1956—George Morse
1957—Jack Travis
1958—K. Hayes Callicutt
1959—James F. Noble, Jr.
1960—Eaton A. Lang, Jr.
1961—E. C. Ward

APPENDIX A

COMMITTEE REPORTS—SENIOR BAR

REPORT OF THE MISSISSIPPI SECTION OF THE ADVISORY COMMITTEE OF THE MID-SOUTH AND SOUTHEAST REGIONAL MEETINGS OF THE AMERICAN BAR ASSOCIATION

The Southeast Regional Meeting of the ABA was held at Birmingham, Alabama, on November 9-11, 1961. Inasmuch as this was the first Regional Meeting presided over by our own ABA President John C. Satterfield, our Bar responded with enthusiasm in the sponsoring of the Mississippi Reception there on Friday evening, November 10, which was declared by all in attendance to be the outstanding social event of the conference. The Mid-South Regional Meeting of the ABA is to be held at Little Rock, Arkansas, on November 8-10, 1962, the states included in such regional meeting being Mississippi, Arkansas, Oklahoma, Tennessee, Texas, Louisiana, and Missouri.

REPORT OF THE COMMITTEE ON BAR ADMISSIONS

The Committee on Bar Admissions has been tendered one particular function during the bar year wherein this Committee was requested to work with the Budget and Finance Committee and with the representative of the American Bar Association for continuing legal education.

At the request of the President of the Mississippi State Bar, a report on the developments at said meeting is being presented by Mr. Ludlam. It is the recommendation, however, of this Committee that the program of Continuing Education be continued and expanded as the finances of the Mississippi State Bar will permit, and as the members of the Bar avail themselves of such services.

REPORT OF THE COMPLAINT COMMITTEE

During the year, only one case coming to the attention of the Complaint Committee involved misconduct justifying disciplinary action; and in this one case, the attorney was tried and convicted of a felony and subsequently disbarred by virtue of proceedings instituted and conducted in Chancery Court by attorneys of the bar at which he practiced, which was the Hinds County Bar. The attorneys of Hinds County deserve the gratitude of the entire Mississippi State Bar for the dignity and dispatch with which they acted in assuring that highly publicized misconduct on the part of one member of our profession did minimum damage to the legal profession as a whole.

A number of other complaints were received, but many were unjustified and none, as far as is presently known, has been substantial enough to warrant the institution of disciplinary proceedings. Most were disposed of by correspondence with the attorney involved; and the Committee is pleased to report that, with a few exceptions, attorneys against whom complaints have been received have promptly, and courteously, answered our letters.

The most troublesome complaints that this Committee has had to deal with have been against attorneys who have accepted accounts for collection and who, after accepting employment, have not followed through on the accounts and have refused to answer their client's letters with reference thereto. Their clients have in turn complained to the State Bar; and as representatives of the State Bar, the Complaint Committee has requested the attorneys to make reasonable efforts to satisfy their clients. In some instances, our letters have been entirely disregarded, and in others

they have not produced the needed results. It is realized that the basis for these complaints is negligence and inattention rather than dishonesty or other misconduct evincing unfitness for the practice of law; but it must also be recognized that it is beyond question that a client has a legitimate complaint when a lawyer voluntarily accepts employment in any matter and then proceeds to neglect the business referred to him and to refuse to answer his client's inquiries thereasto. It must further be recognized that a valid complaint which a client has against a particular attorney develops into a valid complaint against the Bar as a whole when the attorney involved not only ignores his client, but successfully ignores and defies his fellow attorneys by refusing to answer letters written to him by an official representative of the organized bar of which he is a member.

Our disciplinary proceedings provide a remedy for cases where a lawyer is guilty of substantial misconduct justifying a court proceeding for suspension or disbarment. However, it is the Complaint Committee's judgment that we do not have adequate provision for dealing with minor, but justified, complaints against members of our profession. Certainly, our State Bar does not want unduly to damage an attorney by instituting formal and public proceedings against him on a complaint that is not substantial in nature. On the other hand, we do not want to damage our profession by allowing justified complaints of any kind to go unheeded. The Complaint Committee therefore recommends that consideration be given to providing a means of disciplining an attorney who, while not guilty of a substantial violation of the rules of conduct of our profession, is guilty of prolonged neglect of his obligations to a client and, in addition, arbitrarily refuses to cooperate with the authorized representatives of the Board of Commissioners when called upon by them either to refute a complaint or to act reasonably in trying to eliminate the basis therefor.

REPORT OF COMMITTEE ON CORPORATIONS, BANKS, BANKING AND BUSINESS LAW

The Committee on Corporations, Banks, Banking and Business Law reports successful termination of efforts to improve and modernize corporate statutory laws existing in Mississippi. The so-called "Model Act" which spells out in detail all of that contemplated in the creation, ongoing, and termination of a corporaton will begin its control over this area of our jurisprudence on January 1, 1963.

When your Committee began its efforts for purposes of revising the corporate code of Mississippi, the membership thereof received help from comparable committees of the American Bar Association and from the American Bar Foundation and from committees interested in this kind of thing in many states. West Publishing Company had published a three volume work entitled "Model Business Corporation Act Annotated." Our own Act does not totally follow the "Model Act"; but our own Act is substantially in accord therewith and sufficiently so that case law dealing with corporations in all the states adopting the "Model Act" will constitute authority for use of lawyers in office administration of the Act and in the courtroom.

A sub-committee of this total Committee composed of Mr. Martin R. McLendon of the Office of the Attorney General of Mississippi, Mr. J. V. Carr of the Office of the Secretary of State of the State of Mississippi, Mr. R. H. Thompson, prominent corporation lawyer of the City of Jackson, and Mr. Joe A. Thompson, now Area Attorney of the Humble Oil and Refining Company, did most of the work to pull together the Act in the form it took when same was presented to the Legislature as Senate Bill 1712. Mr. McLendon, Mr. Carr and Mr. R. H. Thompson will be three of four members of the sub-committee who will constitute part of the panel for discussion of the Act at the June meeting of our Association. Mr. N. W. Overstreet,

Jr., is added to that panel. He probably did more than any other single Mississippi lawyer to get the Act through the Legislature. He was Chairman of the Legislative Committee of our Association. We are grateful to him and to the sub-committee for their efforts.

REPORT OF THE SPECIAL COMMITTEE ON COURT REPORTERS

On August 1, 1961, the President of the Mississippi State Bar appointed a Special Committee on Court Reporters. The committee was to serve for the year 1961-62. The purpose was to complete the work which was begun by the Special Committee appointed the year previous. The primary concern of the Special Committee was the inauguration of an educational program in the State for the formal and systematic training of persons to become proficient in the use of stenographic machines; and so that a supply of persons capable of performing the duties of court reporters would be readily available.

The Special Committee on August 14, 1961, was assigned the added duty to study the practices of out-of-state attorneys appearing before the Mississippi Workmen's Compensation Commission and report its recommendations to the Board of Bar Commissioners.

After a brief investigation, the Special Committee, on August 22, 1961, made a report to the President of the Mississippi State Bar which included the following:

"I would suggest that we ask the Workmen's Compensation Commission to enforce the last paragraph of Procedural Rule 8 rather than having a bar committee make any type of report for action thereon. I feel reasonably sure that the Mississippi Workmen's Compensation Commission will cooperate with us to the fullest in this matter.

"From my experience, it appears to me that we need a general statute such as that which the States of Louisiana and California have, which would require that in any type of judicial action out-of-state attorneys must employ the services of a local attorney before any pleadings can be filed and before any appearance before any Mississippi Court can be made by out-of-state lawyers. I, therefore, recommend the consideration of the Commissioners to that type of a law rather than singling out the Mississippi Workmen's Compensation and making a study limited to that body only."

On November 2, 1961, the Special Committee made the following report to the President and the Bar Commissioners:

"The Special Committee on Court Reporters met September 25, 1961, for the organizational meeting. Mr. Robert Mayo, the Vice President of Hinds Junior College, and Mr. Inman, the Director of the University of Mississippi Center, located at Millsaps College, were invited to appear.

"Mr. Mayo appeared and informed the Committee that Hinds Junior College had started a class for the purpose of training Court Reporters, using stenotype machines, at the September 1961 semester. Nine female students who had been given special aptitude tests were selected to participate in the first course. The Junior College purchased ten stenotype machines for the use of the students and the instructor. Mr. Mayo stated that the students were making good progress in the course and that he would report to the committee from time to time."

The committee is of the opinion that the Mississippi State Bar should continue to work with educational institutions in the training of court reporters and legal secretaries, and that the Bar should encourage the inauguration of a program of instruction at night for those interested persons who are required to work during the day. The committee also recommends that a procedure be set up by the Mississippi State

Bar and the local bar associations for persons successfully completing a course as court reporters and legal secretaries to register so that judges and lawyers may have a convenient agency from which to select candidates for employment as court reporters and legal secretaries, and that such agency be given wide publicity in the legal profession.

The committee is of the opinion that the duties of this Special Committee could be assigned to the Lawyers Business Affairs Committee of the Mississippi State Bar.

REPORT OF THE CRIMINAL LAW COMMITTEE

This committee had two meetings during the year. One was held in Jackson and the other at the University of Mississippi. During the course of the meeting at Jackson numerous proposed changes in our criminal law and procedures were discussed, and a seminar planned for March 16, 1962.

Although invitations were mailed to every member of the Bar and to law enforcement officers throughout the State, the attendance at the seminar, while small, was indeed encouraging in realization of the general lack of interest in this phase of our profession which is so essential to the preservation of human rights. Nevertheless, we were extremely fortunate in having some outstanding Mississippi practitioners appended, such as Honorable James Finch of Hattiesburg and Honorable Guy N. Rogers of Tupelo; and such nationally prominent figures as Honorable J. Frank Holt, Attorney General of Arkansas, and the Honorable Henry B. Rothblatt, Defense Attorney and author from New York City. The entire program was received with enthusiasm, and now that the ground has been broken it is recommended by the Chairman of this committee that at least two seminars be held next year.

REPORT OF DEPARTMENT OF JUSTICE BUILDING COMMITTEE

At the 1957 annual meeting of the Mississippi State Bar a resolution was adopted approving a program for the erection of a new Supreme Court Building. The incoming president appointed a committee. The name of the committee was afterwards changed to Department of Justice Building because it is hoped that when such a building is erected not only will adequate facilities be provided for the Justices of the Supreme Court and the Supreme Court Clerk but adequate space will be provided for the expansion of the State Law Library, the Attorney General's department, and headquarters for the Mississippi State Bar and its sections. Each year a continuing committee has been appointed by each incoming president.

The present committee has had several meetings, beginning on October 12, 1961. Much work has been done to create a favorable atmosphere for the project and get the approval of everybody concerned. This was not accomplished until the latter part of 1961. A sub-committee of the main committee was appointed for the purpose of drafting a bill and presenting it to the 1962 session of the Legislature. Arrangements were made for the appearance of the committee before the joint committee of the Senate on Judiciary and Finance. We were received graciously and given an attentive hearing. Due to the financial condition of the State some of our friends in and out of the Legislature advised that it would not be well to press the matter at this time. No bill was introduced but it was suggested that if a bill was introduced providing for a bond issue for needed buildings, generally an attempt would be made to provide bonds for the Department of Justice Building since it is a capital investment.

REPORT OF THE ETHICS COMMITTEE

The Ethics Committee respectfully submits the following report.

As shown by our previous report, this committee has endeavored to carry out the following program and objectives for the current year:

1. That the Rules of Professional Conduct of the Mississippi State Bar be revised and brought up to date.

2. That the Junior Bar Section be requested to have at least one course on legal ethics during the Young Lawyers' Seminar.

3. That young lawyers be encouraged to consult with their chancellor, circuit judge, or some other well versed member of the bar when they have a problem involving legal ethics.

4. That a stronger public relations program be developed and that publicity be given on the duty of lawyers to their client, the court and the public.

5. That the importance of legal ethics be emphasized by encouraging the Conference of Local Bar Associations, regional and state bar meetings to give programs on and discussions of legal ethics.

6. That a speakers bureau be organized and that speakers be made available to the Conference of Local Bar Associations, local bar associations, civic clubs and other organizations.

7. That the Board of Bar Admissions be encouraged to check more carefully and thoroughly into the moral character of applicants for admission to the bar.

8. That our law schools be urged to promulgate a strong program on legal ethics, including the teaching of a course on legal ethics.

9. That the program of legal ethics be approached on the basis of a broad program of giving publicity to the high standards of the bar and that lawyers be encouraged to continue to maintain such high standards by emulating the example of the outstanding leaders of the bar.

10. That members of the Mississippi State Bar should be encouraged to submit questions concerning ethics to the State Bar Ethics Committee for an opinion, which opinion should be disseminated to the bar by means of the *Mississippi Lawyer* or through periodic separate mailings.

11. That members of the bar should be urged to guard the high ethical standards of the profession diligently and report violations to their local or state grievance committee and the fact that it is their duty to do so should be impressed upon them.

12. That the word "shyster," whether used seriously or in jest, imputes a certain degree of unethical conduct on the whole legal profession, and therefore the usage of the word in any manner should be discouraged by all members of the bar.

A subcommittee was appointed to make a study of the violations of the Code of Ethics of the American Bar Association incident to the manner of listing names of attorneys in the classified section of the telephone directory and other similar publications, and after a study of said matter submitted a report to the effect that in their opinion any such violations were inadvertent and that the proper procedure would be to call attention thereto by a notice in the *Mississippi Lawyer*.

A subcommittee was appointed to work with and assist Mrs. Alice Nevels, Secretary of the Mississippi State Bar, in submitting recommendations and suggestions for changes or revisions in the Rules of Professional Conduct of the Mississippi State Bar. Said committee has filed with the Secretary its recommendations and suggestions as to a revision of such Rules of Professional Conduct for such action thereon as the Board of Commissioners may deem appropriate. It is our opinion that the Board of Commissioners is authorized to make such revisions by the statutes relating to the Mississippi State Bar and the By-Laws of the Mississippi State Bar, subject to the approval of the Justices of the Supreme Court of the State of Mississippi.

REPORT OF SUBCOMMITTEE OF THE ETHICS COMMITTEE

Without seeking to use a formal resolution, our recommendations are as follows:

First, both a non-resident lawyer, under Code Section 8649, and a local applicant, under Code Section 8653, should file with their applications names of four attorneys whom they give as reference, rather than filing letters from those persons; and the State Bar should have a fixed form of questionnaire, which would be confidential in nature, as are the Martindale-Hubbell questionnaires which would then go to the lawyers given as references. It is entirely possible that there should also be included at least two lawyers that are selected by a committee of the State Bar for the purpose of reference. In the case of a local applicant, there should be, of course, those other than lawyers; and this should possibly be checked further by a questionnaire to a citizen not listed by the applicant.

Second, if possible, this form of personal checking should be extended to graduates of the University under Code Section 8663, though it is questioned that any basis of judgment of moral character is normally apparent at this age level.

RULES OF PROFESSIONAL CONDUCT OF THE MISSISSIPPI STATE BAR

These rules shall be cited or referred to as "Rules of Professional Conduct of the Mississippi State Bar."

Preamble

In the United States of America, where the stability of Courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and the motives of the members of our profession are such as to merit the approval of all just men.

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following rules of professional conduct are adopted by the Mississippi State Bar as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.

1.—The Duty of the Lawyer to the Courts.

It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

All pleadings, papers and briefs filed by attorneys should be deferential to the Court and opposing counsel.

2.—The Selection of Judges.

It is the duty of the Bar to endeavor to prevent political considerations from outweighing judicial fitness in the selections of Judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employment, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.

3.—Attempts to Exert Personal Influence on the Court.

Marked attention and unusual hospitality on the part of a lawyer to a judge, uncalled for by the personal relations of the parties, subject both the judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a judge a special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between Bench and Bar.

4.—When Counsel for an Indigent Prisoner.

A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5.—The Defense or Prosecution of Those Accused of Crime.

It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

6.—Adverse Influences and Conflicting Interests.

It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this rule, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

7.—Professional Colleagues and Conflicts of Opinion.

A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination

of the client. A lawyer should decline association as colleague if it is objectional to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyers whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right and duty of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

8.—Advising Upon Merits of a Client's Cause.

A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprise and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurance to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment the client should be advised to avoid or to end litigation.

9.—Negotiations With Opposite Party.

A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; he should never undertake to negotiate or compromise the matter with him but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

10.—Acquiring Interest in Litigation

The lawyer should not purchase any interest in the subject matter or the litigation which he is conducting; however, he may take security for his fees thereon in good faith, provided such security is subject to the rights of the adverse party.

11.—Dealing With Trust Property.

The lawyer should refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by his client.

Money of the client or collected for the client or other trust property coming into the possession of the lawyer should be reported and accounted for promptly, and should not under any circumstances be commingled with his own or be used by him.

12.—Setting the Amount of the Fee.

In setting fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other employment while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In determining the customary charges of the Bar for similar services, it is both proper and desirable for a lawyer to utilize a suggested schedule of minimum fees adopted by his local or state Bar; however, it should not be his sole guide in determining the amount of his fee.

In setting fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

13.—Contingent Fees.

Contingent fee contracts, being sanctioned by law, are recognized as proper, but should be reasonable under all of the circumstances of the case, including the risk and uncertainty of the compensation.

14.—Suing a Client for a Fee.

Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and, lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

15.—How Far a Lawyer May Go in Supporting a Client's Cause.

Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, or to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

16.—Restraining Clients From Improprieties.

A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do; particularly with refer-

ence to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relaton.

17.—Ill-Feeling and Personalities Between Advocates.

Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18.—Treatment of Witness and Litigants.

A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19.—Appearance of Lawyer As Witness for His Client.

When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client.

20.—Newspaper Discussion of Pending Litigation.

Newspaper publication by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An ex parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any ex parte statement.

21.—Punctuality and Expedition.

It is the duty of the lawyer not only to his client, but also to the courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

22.—Candor and Fairness.

The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel or the language of a decision or a text-book; or with the knowledge of its invalidity to cite as authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proven, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by concealing or withholding positions in his opening argument upon which his side intends to reply.

It is unprofessional and dishonorable to deal other than candidly with the facts

in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23.—Attitude Toward Jury.

All attempts to curry favor with the juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24.—Right of Lawyer to Control the Incidents of the Trial.

As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposing lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal or that he do anything therein repugnant to his own sense of honor and propriety.

25.—Taking Technical Advantage of Opposite Counsel; Agreements With Him.

A lawyer should not ignore known customs and practice of the Bar of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court. A lawyer should scrupulously live up to all agreements, oral or otherwise, made with opposing counsel.

26.—Professional Advocacy Other Than Before Courts.

A lawyer openly, and in his true character may render professional services before legislative or other bodies regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding, to influence action.

27.—Advertising, Direct or Indirect.

The most worthy and effective advertisement possible even for a young lawyer and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct.

It is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communications or interviews not warranted by personal relations. Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible; but the customary use of simple professional cards is not improper.

Publication in reputable law lists in a manner consistent with the standards of conduct imposed by these rules of brief biographical and informative data is permissible. Such data must not be misleading and may include only a statement of the lawyer's name and the names of his professional associates; addresses, telephone numbers, cable addresses; branches of the profession practiced; date and place of birth and admission to the bar; schools attended, with dates of graduation, degrees and other educational distinctions; public or quasi-public offices; posts of honor; legal authorships; legal teaching positions; memberships and offices in bar associations and committees thereof, in legal and scientific societies and legal fraternities; the fact of listing in other reputable law lists; the names and addresses of references; and the names of clients represented. A certificate of compliance with the Rules and Standards issued by the Special Committee on Law Lists may be treated as evidence that such list is reputable.

It is not improper for a lawyer who is admitted to practice as a proctor in admiralty to use that designation on his letterhead or shingle or for a lawyer who has complied with the statutory requirements of admission to practice before the patent office to so use the designation "patent attorney" or "patent lawyer" or "trade-mark attorney" or "trade-mark lawyer" or any combination of those terms.

28.—Stirring Up Litigation, Directly or Through Agents.

It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relations or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit or collect judgment, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attaches or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick, the injured, the ignorant or others, to seek his professional services.

A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

29.—Upholding the Honor of the Profession.

Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral

character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

30.—Justifiable and Unjustifiable Litigation.

The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

31.—Responsibility for Litigation.

No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what employment he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising as to questionable transactions, for bringing questionable suits, for urging questionable defense, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32.—The Lawyer's Duty in Its Last Analysis.

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles or moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

33.—Partnerships—Names.

Partnerships among lawyers for the practice of their profession are very common and proper. In the formation of partnerships and the use of partnership names care should be taken not to violate any law, custom, or rule of court locally applicable. Where partnerships are formed between lawyers who are not all admitted to practice in the courts of the state, care should be taken to avoid any misleading name or representation which would create a false impression as to the professional position or privileges of the member not locally admitted. In the formation of partnerships for the practice of law, no person should be admitted or held out as a practitioner or member who is not a member of the legal profession duly authorized to practice, and amenable to professional discipline. In the selection and use of a firm name, one not admitted to practice in the local courts should not be named,

lest such use of his name should mislead as to his professional position or privileges. In the selection and use of a firm name, no false, misleading, assumed or trade name should be used. The continued use of the name of a deceased or former partner, when permissible by local custom, is not unethical, but care should be taken that no imposition or deception is practiced through this use. When a member of the firm, on becoming a judge, is precluded from practicing law, his name should not be continued in the firm name.

Partnerships between lawyers and members of other professions or non-professional persons should not be formed or permitted where any part of the partnership's employment consists of the practice of law.

34.—Division of Fees.

No division of fees for legal services is proper, except with another lawyer, based upon a division of service or responsibility.

35.—Intermediaries.

The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediary. A lawyer's relation to his client should be personal, and the responsibility should be direct to the client. Charitable societies rendering aid to the indigent are not deemed such intermediaries.

A lawyer may accept employment from any organization such as an association, club or trade organization, to render legal services in any matter in which the organization, as an entity is interested, but this employment should not include the rendering of legal services to the members of such an organization in respect to their individual affairs.

The established custom of receiving commercial collections through a lay agency is authorized. But it is not proper to solicit collections either directly or indirectly through any lay agency.

36.—Retirement From Judicial Position or Public Employment.

A lawyer should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

A lawyer, having once held public office or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has investigated or passed upon while in such office or employ.

37.—Confidences of a Client.

The duty to preserve his client's confidence outlasts the lawyer's employment, and extends as well to his employees; and neither of them should accept employment which involves or may involve the disclosure or use of these confidences, either for the private advantage of the lawyer or his employees or to the disadvantage of the client, without his knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that his obligation prevents the performance of his full duty to his former or to his new client.

If a lawyer is accused by his client, he is not precluded from disclosing the truth in respect to the accusation. The announced intention of a client to commit a crime is not included within the confidences which he is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened. And, if by any reason of his association with another lawyer, he

gains knowledge of misconduct on the part of the other lawyer, it is his duty to transmit such knowledge to the State Bar.

38.—Compensation, Commission and Rebates.

A lawyer should accept no compensation, commissions, rebates or other advantages from others without the knowledge and consent of his client after full disclosure.

39.—Witnesses.

A lawyer may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of opposing counsel or party. In doing so, however, he should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth, or in any degree to affect his free and untrammeled conduct when appearing at the trial or on the witness stand.

40.—Newspapers.

A lawyer may with propriety write articles for publication in which he gives information upon the law; but he should not accept employment from such publications to advise inquirers in respect to their individual rights.

41.—Discovery of Imposition and Deception.

When a lawyer discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Court or a party, he should endeavor to rectify it; at first by advising his client, and if his client refuses to forego the advantage thus unjustly gained, he should promptly inform the injured person or his counsel, so that they may take appropriate steps.

42.—Expenses of Litigation.

A lawyer may not properly agree with a client that the lawyer shall pay or bear the expenses of litigation; he may in good faith advance expenses as a matter of convenience, but subject to reimbursement.

43.—Professional Card.

A lawyer's professional card may with propriety contain only a statement of his name (and those of his lawyer associates), profession, address, telephone number, and special branch of the profession practiced. The insertion of such card in reputable law lists is not condemned and it may there give references or names of clients for whom the lawyer is counsel with their permission.

44.—Withdrawal From Employment As Attorney or Counsel.

The right of an attorney or counsel to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The lawyer should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the attorney's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the lawyer may be warranted in withdrawing on due notice to the client, allowing him time to employ another lawyer. So also when a lawyer discovers that his client has no case and the client is determined to continue it; or even if the lawyer finds himself incapable of conducting the case effectively. Sundry other instances may arise in which with-

drawal is justified. Upon withdrawal from a case after a retainer has been paid, the attorney should refund such part of the retainer as has not been clearly earned.

45.—Notice to Local Lawyers.

A lawyer available to act as an associate of other lawyers in a particular branch of the law or legal service may send to local lawyers only and publish in his local legal journal a brief and dignified announcement of his availability to serve other lawyers in connection therewith. The announcement should be in a form which does not constitute a statement or representation of special experience or expertness.

46.—Aiding the Unauthorized Practice of Law.

No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible, the unauthorized practice of law by any lay agency, personal or corporate.

47.—Specialists.

These Rules of the Mississippi State Bar apply to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles.

48.—Statutory Regulations.

Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of attorneys or the consequences of a violation thereof.

REPORT OF LABOR RELATIONS COMMITTEE

The Labor Relations Committee sponsored a Labor Law Forum-Seminar at the University of Mississippi Continuation Center in cooperation with the School of Law, on November 17, 1962. It was well attended, and, we think, accomplished its purpose.

In this Seminar, we used more of our Mississippi lawyers on the program than were used in the first such Seminar in March, 1961, and extend our thanks to them for outstanding contributions to the success of the Seminar.

Knowledge of labor law by our local lawyers is daily becoming more imperative as we continue to industrialize in Mississippi. The efforts of this Committee to stimulate elementary education in this field should be continued for several years yet.

The Committee has done no work other than holding the Forum-Seminar.

REPORT OF THE LAWYERS' BUSINESS AFFAIRS COMMITTEE

The Lawyers' Business Affairs Committee of the Mississippi State Bar has made a study of the decisions published in the Southern Reporter by West Publishing Company in, roughly, the calendar year 1961, to determine the pages of that Reporter devoted to the publication of cases decided by the appellate courts of the states of Alabama, Florida, Louisiana and Mississippi.

This study was initiated by a suggestion from Honorable John W. Vardaman, President of the Alabama State Bar, that the bars of Alabama and Mississippi jointly investigate the disproportionate number of Florida and Louisiana cases reported in the Southern Reporter.

Tabulations made of 126 So.2d through 135 So.2d, both inclusive, show that the Mississippi and Alabama decisions therein, together, total only 23.192 per cent

of the total cases reported. Thus one-half of the states received less than one-fourth of the page space which the lawyers of these states paid for in purchasing these volumes.

It is noted that West publishes the New York Supplement covering the decisions of the New York intermediate appellate courts and that only the decisions of the highest court of New York are included in the Northeastern Reporter. It is suggested that such a division should be made of the Southern Reporter, publishing therein only the decisions of the highest courts of the four states, with a Southern Supplement being published for reporting the decisions of the intermediate courts of these four states, or that some other method should be devised to lessen the burden imposed on our lawyers by the publication of all Florida and Louisiana decisions (and particularly of the intermediate appellate decisions of these states) in the Southern Reporter.

Your committee further reports that a special subcommittee under the chairmanship of Honorable William O. Carter, Jr., has made a review during the current year of the schedules and subject matter contained in the Manual entitled "Fee Computation and Law Office Management" published by the Mississippi State Bar in 1960. Comparison with published fee schedules of various local bar associations in the state indicates that, in the main, the suggestions contained in the Manual are realistic and are not in need of revision at the present time.

It is recommended, however, that this Manual should continue to receive regular study and that revisions should be made when indicated either by economic conditions or by general practice in the state.

Your committee further reports that a special subcommittee on Professional Economics was appointed during the current year under the chairmanship of Honorable Betty B. Tucker, with the express task of complying with the directive of the 1961 Annual Meeting of the Mississippi State Bar that a new Economic Survey of the Legal Profession in Mississippi be made.

It will be recalled that a previous survey was made in 1956-57 in cooperation with the University of Southern Mississippi (then Mississippi Southern College). This survey was made shortly after the beginning of a continuing effort by the Mississippi State Bar to raise the economic condition of our Bar. The conditions reflected by that survey showed a great need for the continuation and intensification of this effort. It also pointed out areas of needed attention and particularly in the field of public relations, of the need for a better understanding of the professional responsibility of the Bar.

It is noted that shortly after the inauguration of the Mississippi program, the American Bar Association began an intensive effort in the same field under the able leadership of our fellow Mississippian, the current President of the American Bar Association, the Honorable John C. Satterfield.

The Committee on Professional Economics of the ABA has prepared a uniform questionnaire for use by the various state bars in gathering economic information on the profession and it has been used by several states and is in the process of being used by several more.

The subcommittee has submitted a report, which is adopted by the entire committee and includes the following recommendations:

1. That the Subcommittee on Professional Economics be authorized to conduct an economic survey of the legal profession in Mississippi and a public opinion survey, in cooperation with one of the State Universities.

2. That a maximum of $1,500.00 be allocated to cover the expense of the survey.

3. That any decisions regarding the publication and distribution of the survey to the members of the Mississippi State Bar be postponed until the survey is completed.

REPORT OF THE LEGISLATIVE COMMITTEE

The Mississippi State Bar sponsored certain bills in the 1962 regular session of the Legislature. We are required to submit this report before the close of the legislative session and so this report is not complete. The status of these bills (as of May 16, 1962) is as follows:

THOSE BILLS PASSED BY THE LEGISLATURE AND SIGNED BY THE GOVERNOR (SOME OF THE BILLS WERE AMENDED BY THE LEGISLATURE IN THE COURSE OF PASSAGE):

House Bill No. 52: An Act to amend Chapter 262, Section 12, Laws of 1956, appearing as Section 4004-25 of the Mississippi Code of 1942, Recompiled, so as to extend period of probation in cases of desertion and/or failure to support minor children.

House Bill No. 54: An Act to amend Section 1640 of the Mississippi Code of 1942, as amended, to provide for a designation of the contents of record on appeal and to provide for abridging the record by omitting irrelevant matter. Amended.

House Bill No. 55: An Act to amend Section 1325, Mississippi Code of 1942, Recompiled, so as to limit the period of time within which deraignment of title must be shown in bill to confirm title to real estate or to cancel and remove clouds therefrom.

House Bill No. 56: An Act to abolish the preliminary proceedings before the Justice of the Peace in bastardy proceedings.

House Bill No. 57: An Act to amend Section 2359, Mississippi Code of 1942, Recompiled, so as to permit the Court to fix the penalty upon the entry of a plea of guilty.

House Bill No. 58: An Act to amend Section 2361, Mississippi Code of 1942, Recompiled, so as to permit the Court to fix the penalty upon the entry of a plea of guilty.

House Bill No. 61: An Act to establish grounds and statutory procedure for the adjudication and annulment of marriages. Amended.

House Bill No. 62: An Act to amend Section 449, Mississippi Code of 1942, Recompiled, as amended, to increase the value of undivided interest of minors in real estate which may be sold without guardianship.

Senate Bill No. 1712: An Act to provide for the formation, operation and dissolution of business corporations for profit under supervision of the Secretary of State; to repeal Sections 5309, 5310, 5311, 5311.5, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5321, 5325, 5326, 5327, 5328, 5329, 5330, 5331, 5332, 5343, 5344, 5347, 5348, 5349, 5351-01, 5351-02, 5351-03, 5351-04, 5351-05, 5351-06, 5352, 5353, 5355, 5356, 5357 and 5358, Mississippi Code of 1942, Recompiled; to amend Sections 5319, 5320, 5322, 5323 and 5324 of said Code to restrict their application to nonprofit, nonshare or nonprofit or nonshare corporations. Amended.

THOSE BILLS NOT PASSED BY THE LEGISLATURE:

House Bill No. 53: An Act to amend Chapter 262, Laws of 1952, appearing as Section 8174 of the Mississippi Code of 1942, Recompiled, so as to permit any Trial Judge to adjudge that drivers' licenses not be revoked in first offender hardship cases.

House Bill No. 59: An Act to amend Section 1876, Mississippi Code of 1942, so as to provide additional methods of serving notice in legal proceedings.

House Bill No. 60: An Act to amend Chapter 249, Laws of 1952, appearing as Section 1483.5 of the Mississippi Code of 1942, Recompiled, so as to provide the method of notice or process on a counterclaim; to provide for the transfer or removal of cases when the counterclaim exceeds the monetary jurisdiction of the Court; and for related purposes.

House Bill No. 63: An Act to amend Section 1296, Mississippi Code of 1942, so as to allow the Defendant to bring in new parties as cross-defendants within the discretion of the Court.

House Bill No. 64: An Act to amend Section 2358 of the Mississippi Code of 1942, Recompiled, so as to provide an additional penalty of imprisonment for a term of years.

The proposed Department of Justice building is included in an omnibus building appropriation Senate Bill, and is pending in the Senate Finance Committee.

The Mississippi State Bar has approved in principle a Uniform Commercial Code and we understand the status of such a proposed Code will be included in the Report of the Uniform Commercial Code Committee.

The members of the Legislature and the Governor manifested much interest in the above mentioned bills. We particularly appreciate the interest and help of Honorable E. K. Collins and Honorable Thompson McClellan, Chairmen respectively of the Judiciary Committees of the Senate and House of Representatives.

REPORT OF THE MEMORIAL COMMITTEE

On September 11, 1961, Memorial Services were conducted for members of the Mississippi State Bar who departed this life during the year 1960-61. The survivors and relatives of these deceased members were invited to attend this service by Honorable Sherwood W. Wise, President of the Mississippi State Bar.

The Court was called to order by Honorable Harvey McGehee, Chief Justice of the Supreme Court of the State of Mississippi, and was presided over by Honorable Sherwood W. Wise. Following the invocation by Reverend Patrick H. Sanders, Jr., Assistant Rector, Saint Andrews Episcopal Church, Jackson, Mississippi, the Reverend William T. Gober, Associate Minister, Leavell Woods Methodist Church, Jackson, Mississippi, rendered a solo, after which appropriate remarks were made by Mr. Wise. The Chairman of the Committee then presented the following Resolution:

"We are gathered here today as bench and bar, family and friends, at the invitation of the Supreme Court of the State of Mississippi. It is an honor, indeed, for the Mississippi State Bar to appear before this Court in tribute to its late and beloved members in whose memory this session is today convened.

"Mississippi proudly claims these men as illustrious sons whose lives contributed so much to the legal, economic, cultural, and spiritual welfare of our state and nation.

"The Mississippi State Bar proudly claims them as accomplished and skillful lawyers who justly earned the confidence and trust of their fellow lawyers. Each of them lived a useful life and have left a legacy of pleasant memories.

"To the families and friends of the following departed members we extend our sincere sympathy:

Hon. James S. Albritton, Hattiesburg
Hon. William B. Alexander, Sr., Cleveland
Hon. Bridger B. Allen, Indianola
Hon. John Franklin Allen, Kosciusko
Hon. John R. Anderson, Tupelo
Hon. Robert B. Anderson, Port Gibson (Circuit Judge)
Hon. Gerard Hamilton Brandon, Natchez
Hon. A. Q. Broadus, Purvis
Hon. James Lee Byrd, Jackson
Hon. Thomas Humphrey Campbell, Yazoo City
Hon. Buell Roscoe Carty, Brookhaven
Hon. Hugh Franklin Causey, Cleveland
Hon. Charles Franklin Coward, Meadville
Hon. James Marvin Crawford, Ashland (Circuit Judge)
Hon. Thomas Dick Davis, Tupelo
Hon. Henry L. Finch, Laurel
Hon. Earle Norris Floyd, Jackson and New Orleans, Louisiana

Hon. John Travis Garraway, Purvis
Hon. Robert L. Genin, Bay St. Louis
Hon. Victor W. Gilbert, Meridian
Hon. Benjamin A. Green, Mound Bayou
Hon. Homer B. Griffing, Meadville
Hon. J. F. Guynes, Hazlehurst (Chancellor)
Hon. Kelley J. Hammond, Columbia
Hon. Robert J. Hobby, Dallas, Texas
Hon. Perry W. Howard, Washington, D.C.
Hon. A. C. Hutto, Gulfport
Hon. Cecil Edward Inman, Sr., Jackson
Hon. James C. Jourdan, Jr., Iuka
Hon. Edward Martin Livingston, Louisville
Hon. Gordon Garland Lyell, Sr., Jackson
Hon. Shirley Magee, Monticello
Honl. James Claude McGehee, Jr., Natchez
Hon. Clois E. McMullan, Jackson
Hon. Francis Floyd Mize, Forest
Hon. Clarence Edward Morgan, Sr., Kosciusko
Hon. George F. Murrell, Gulfport
Hon. Linton Grover North, Belzoni
Hon. John Elliott Rankin, Tupelo
Hon. E. H. Ratcliff, Jr., Natchez
Hon. J. Lake Roberson, Clarksdale
Hon. James C. Ross, Gulfport
Hon. George Ellis Shaw, Jr., Jackson
Hon. Albert Benjamin Smith, Jr., Cleveland
Hon. W. LaValle Smith, Meridian
Hon. Charles Bright Snow, Jackson
Hon. Peter McKenzie Stockett, Sr., Woodville
Hon. Ernest T. Strange, Meridian
Hon. William Commodore Sweat, Sr., Corinth
Hon. A. L. Sutherland, Booneville
Hon. James W. Thompson, Jackson
Hon. Edward Leonard Trenholm, Jackson
Hon. T. L. Williamson, Purvis

"WHEREFORE, BE IT RESOLVED by the Mississippi State Bar, in Memorial Session assembled before the Supreme Court of the State of Mississippi on this eleventh day of September, 1961, that we extend to their families and friends our deep sympathy in the loss of our departed members and that we further extol their lives for their unselfish service and devotion to justice, liberty and mankind.

"BE IT FURTHER RESOLVED that a copy of this Resolution be made available to the families of our deceased brethren and that a copy be placed on the Minutes of the Supreme Court of Mississippi and on the Minutes of the Mississippi State Bar."

A candle lighting ceremony was conducted by Honorable John A. Bellan, Jr., and Honorable Kenneth M. Britt of the Jackson, Mississippi Bar, and Honorable John W. Kyle, Associate Justice of the Supreme Court of the State of Mississippi, responded for the Court to the remarks made by Mr. Wise and to the Resolution. Organ music during this service was presented by Miss Lucie Vann Fleming of Jackson, Mississippi.

REPORT OF THE *MISSISSIPPI LAW JOURNAL* COMMITTEE

Most of those on this committee were former members of the Editorial Board of the *Journal* and have taken an active interest in the work of the committee.

The cost of publishing the *Journal* will make it necessary to continue the practice of editing the October issue of the *Journal* which is devoted to the proceedings of the annual Mississippi State Bar Convention. If committee reports are lengthy, it is requested that the chairman submit with his full report a brief condensation for publication in the *Journal.*

The Editorial Board has submitted to this committee a report of its activities during the year, a statement of their receipts and disbursements and proposed budget for the year 1962-63, requesting an appropriation of $6,900.00 for the next fiscal year which is the same as the appropriation for the fiscal year 1961-62. This report

has been carefully reviewed by this committee and the committee expresses its appreciation to the Editorial Board for the splendid work done during the year. It joins in this report and requests that an appropriation of $6,900.00 be made for the *Journal* for the next fiscal year.

REPORT OF THE EDITORIAL BOARD OF THE *MISSISSIPPI LAW JOURNAL*

General

The publication of the October 1962 issue of the *Mississippi Law Journal* will complete the thirty-third volume. With the publication of the December 1962 issue, the *Journal* will commence the thirty-fourth year of uninterrupted publication.

The *Journal* has a circulation of approximately 2500 copies per issue, and, at the present time, is published four times a year during the months of December, March, May and October. The October issue is devoted exclusively to the publication of the proceedings of the Mississippi State Bar Convention and the official roster of the Mississippi State Bar.

The subscription rate is $4.00 per year, and separate copies may be purchased for $1.50. The *Journal* is printed by Franklin Press, Inc., of Baton Rouge, Louisiana.

Buildings and Facilities

The offices of the *Journal* are temporarily located in the basement of Lamar Hall. Future plans concerning the permanent location of the *Journal* are indefinite.

Change of Address

Every issue of the *Journal* results in several copies being returned due to erroneous addresses. The *Journal* is mailed by second-class mail and consequently there is no provision for forwarding. If the issue is not claimed by the addressee, it is returned at *Journal* expense. It is respectfully urged that all members of the Bar promptly notify the *Journal* of any change of address. Our address is "Mississippi Law Journal, P. O. Box 146, University, Mississippi."

Publication Since the 1961 Convention

Since the 1961 convention the *Journal* has published four regular issues, consisting of approximately 600 pages. These issues contained eleven leading articles, six comments, eighteen casenotes, five book reviews, and the proceedings of the 1961 Mississippi State Bar Convention.

Reprinting

In 1955 Volume I of the *Mississippi Law Journal* was reprinted; Volume II was reprinted in 1960. These reprints were welcomed by many lawyers and libraries. In 1962, twenty-one single issues of the *Journal* were reprinted. These issues, most of which had been out of print for a number of years, are from Volumes III-VIII and XXX. It is anticipated that the revenue from the sale of these reprint issues will be sufficient to finance the reprinting of the balance of the back issues which are presently out of print. Thus, by late 1962, complete sets of the *Mississippi Law Journal* will be available from the *Journal* business office. It is thought that the price of a complete set of the *Journal*, including cumulative indices, will be approximately $235, unbound. The price of binding the thirty-three volumes is approximately $125.

Volumes I and II were reprinted in 1955 and 1960 respectively by offset printing at a cost of approximately $5.00 per page for 200 copies. The finished product is of high quality.

The reprints from Volumes III-VIII and XXX in 1962 were produced by a photocopy process, at a cost of $1.45 per page for 200 copies and $1.60 per page for 300 copies. The finished product is of equally high quality. By utilizing this less expensive process for reprinting, we were able to more than triple the volume of reprinting with the money set aside for this purpose. This should enable the *Journal* to keep all back issues in print.

Southern Law Review Conference

As in the past, the *Journal* was represented at the Southern Law Review Conference held April 13 and 14 at Williamsburg, Virginia, with the Marshall-Wythe School of Law of the College of William and Mary as host. Representing the *Journal* were the Faculty Advisor, Editor-in-Chief, Assistant Editor and one other staff member.

Future Plans

A special issue of the *Mississippi Law Journal* is scheduled to be published in the spring of 1963. It will contain selected speeches delivered by Honorable John C. Satterfield of Yazoo City while he was president of the American Bar Association. The cost of the special issue should not exceed $1,800.00. A provision for one-half of that amount was appropriated last year and the balance is included in the proposed budget for 1962-63.

The *Journal* and the Mississippi State Bar

The *Mississippi Law Journal* is a joint publication of the School of Law of the University of Mississippi and the Mississippi State Bar. The *Journal's* physical existence depends upon the annual subsidy given the *Journal* by the Bar. In order for the *Journal* to be classified as a successful professional publication, however, much more than pecuniary aid must be forthcoming. Support from the Bar in the form of articles contributed for publication, suggestions and recommendations of topics which should be treated in leading articles, and an understanding on the part of the Bar of the problems and responsibility faced by the staff in the publication of a scholarly periodical are all essential to the *Journal's* well being. Its success is not dependent on the individual effort of the Law School or the Bar, but rather upon the continued and cooperative endeavors of both.

The financial ability to publish is of little significance when there is an absence of suitable material to print. We extend our sincere appreciation to past contributors and respectfully urge all of the members of the Bar to write and submit for consideration articles of merit and interest.

REPORT OF THE OIL AND GAS COMMITTEE

The Oil and Gas Committee of the Mississippi State Bar met at the Robert E. Lee Hotel on October 31, 1961, and at said meeting the committee felt that statutory deficiencies in the Oil and Gas Law should be called to the attention of the Mississippi State Bar, and that a program along said line should be considered for the panel discussion at the next meeting of the bar.

On April 24, 1962, the Oil and Gas Committee again met at the Robert E. Lee Hotel in Jackson, Mississippi, and there arranged a program for the bar meeting on June 15, 1962, covering "Statutory Deficiencies in Oil and Gas Law."

In addition to the above, your Oil and Gas Committee jointly sponsored with the University of Mississippi and the Mississippi Oil and Gas Lawyers Association, the recent Oil and Gas Law Institute, held at the University of Mississippi on May 10-12, 1962, which dealt with "Title Opinions-Scope and Content Problems."

REPORT OF THE PUBLIC RELATIONS COMMITTEE

A meeting of the committee was held in Jackson on October 21, 1961, which meeting was attended by seven members of the committee. Consideration was given to various ways of improving the public relations of the Mississippi State Bar. Following the meeting, and in the course of the period from then up to the present time, the following things have been done by the Public Relations Committee:

1. Pamphlets were prepared, or existing pamphlets were revised, on the following subjects: "Landlord and Tenant," "Guardian and Ward," "What Workmen's Compensation Means to You," and "Is Jury Duty Your Duty?" A supply of these pamphlets was turned over to Mr. Orma Smith, President of the Conference of Local Bar Associations, for ultimate use in bank lobbies and in courthouses.

2. Newspaper articles were prepared, or existing articles were revised, on the following topics: "You Promised to Pay," "Jurisdiction and Function of Federal Courts in Civil Cases," "Court Appointment of Counsel for Indigents Accused of Capital Crimes," "What Workmen's Compensation Means to You," "Landlord and Tenant," "Guardian and Ward," "The Circuit Court—Its Jurisdiction and Functions," and "State Income Tax." The President of the Conference of Local Bar Associations was advised of the availability of these articles for free publication by newspapers throughout the State, as a public service.

3. Outlines for speeches by lawyers on legal subjects before civic clubs and other groups were made available to local bar associations throughout the State, said outlines being on the following subjects: "Wills," "Contracts," "Real Estate Titles," and "Courts and Jury System."

4. The Conference of Local Bar Associations was also advised of the availability of four films, all of which are designed to give a true picture of the role of the lawyer in society today, these films being: "With Benefit of Counsel," "Living Under Law," "The Supreme Court," and "Basic Court Procedure."

5. A pamphlet entitled, "Confidentially For You, Mr. Attorney," was distributed to each member of the Bar. This pamphlet, which was originated by the Wisconsin State Bar, contained numerous suggestions as to things which could be done by the individual attorneys to improve their relations with their clients and with the general public.

6. The Public Relations Committee worked closely with the editors of the *Mississippi Lawyer* throughout the year. Members of the committee furnished material for publication in that paper.

7. Some consideration was given to the sponsoring by the Mississippi State Bar of an "Annual Legal Check Up Program," and the consensus of the committee was that such a program would merit further consideration but should be embarked on by future public relations committees only after mature study, both by the public relations committees and by the Board of Bar Commissioners.

REPORT OF SPECIAL COMMITTEE ON RELATIONS WITH LAWYERS OF FREE LATIN AMERICAN COUNTRIES

This is a new committee which was appointed in December, 1961. Your committee has undertaken the responsibility of entertaining six prominent lawyers from Guatemala who will be in attendance at our annual convention in June.

Your committee has also undertaken the responsibility of preparing a panel discussion for our annual convention and has secured the services of three panelists for a discussion of legal and economic considerations in doing business with Latin America.

Because there was no other appropriate committee, the problem of obtaining a set of the latest Mississippi Code for the American Law Library in London, England, was referred to this committee. Through the excellent cooperation of our Secretary of State, Mr. Heber Ladner, a complete set of this Code was shipped to the American Law Library in London, England.

REPORT OF THE RESOLUTIONS COMMITTEE

WHEREAS, the Fifty-Seventh Annual Convention of the Mississippi State Bar Association was well planned and executed and many professional benefits have flowed to the members as a result of the planning and execution of the program; and

WHEREAS, the social program has added much to the fellowship and fraternal relation existing between the members of this Bar; and

WHEREAS, the members present wish to express their appreciation to all of those who have been instrumental in making this convention a successful and enjoyable occasion; now,

THEREFORE, Be It Resolved, by the Mississippi State Bar in convention assembled that we express our appreciation to the following:

The Harrison County Bar Association, our host, and to its local arrangement committees for their courtesy, consideration and hospitality;

Mr. Alvin Doyle, Jr., Baton Rouge, Louisiana; Honorable William D. Rogers, Washington, D. C.; Honorable Joseph M. Rault, Jr., New Orleans, Louisiana; Honorable William Roy Vallance, Secretary-General Inter-American Bar Association; Honorable Sylvester C. Smith, President Elect of the American Bar Association, Newark, New Jersey; Rear Admiral W. C. Motts, U. S. N., the Judge Advocate General of the Navy, Washington, D. C.; and Honorable Henry C. Stockell, Regional Counsel, Internal Revenue Service, Atlanta, Georgia; our visiting speakers who have added so much to this convention by giving of their time and talents;

The members of our own State Bar who served as moderators and speakers; for the numerous, well prepared and informative panel programs;

The many Committees of our Bar which have worked diligently, faithfully and reported excellent progress in their fields;

The news and information media for their cooperation and excellent coverage of this convention;

The staff of the Broadwater Beach Hotel for their tremendous efforts to accommodate and provide for our physical comfort and pleasure;

Our competent and genial outgoing President, Sherwood W. Wise, our full appreciation for his learned and energetic leadership during the past twelve months, and to his attractive wife and family for their unselfish surrender of his presence during the past year so that he could lead and direct our Association;

The Board of Bar Commissioners for their unusual active participation in Bar affairs;

Our own beloved Secretary Mrs. Alice Nevels and her staff for her usual devoted labor of love for our Association;

Mrs. Alice B. McIntosh and Mrs. Eschol C. Helveston for their continued efficient reporting and recording of our proceedings.

To all of these parties and their cohorts who have made this occasion profitable and enjoyable, we are deeply grateful.

BE IT FURTHER RESOLVED, that the Secretary furnish appropriate copies of this report to the appropriate parties.

RESOLVED, this the 15th day of June, 1962.

REPORT OF STUDY COMMITTEE

Your Study Committee of the Mississippi State Bar held four meetings during the year. A number of subcommittees studied various proposals made to the Committee by members of the Bar and by Committee members. Some of the proposals were studied and rejected, others are recommended for further study. Drafts of proposed bills have been prepared with recommendations that they be approved by the Mississippi State Bar and submitted to the Legislature for passage.

The Board of Commissioners of the Mississippi State Bar approved this report at their meeting on May 24, 1962.

Your Committee makes the following recommendations to the Convention of the Mississippi State Bar, including bills for its approval and submission to the Legislature, as follows:

ITEM I. An act to amend Chapter 38, Mississippi Laws of 1930 (Sections 414 and 415, Mississippi Code of 1942, Recompiled) to remove therefrom any provisions for the sale of wood or timber and to provide for process on two relatives instead of three in the event of a proceeding to lease oil, gas and mineral rights.

ITEM II. An act to amend Chapter 415, Laws of 1946 (Section 419, Mississippi Code of 1942, Recompiled) to include therein provisions for the sale of timber and wood.

ITEM III. An act to amend Chapter 271, Laws of 1938 (Section 440, Mississippi Code of 1942, Recompiled) to remove the restrictions on funds as used in that section.

ITEM IV. An act to amend Section 498 and Section 500 of the Mississippi Code of 1942 Annotated, Recompiled so as to provide that proof of wills may be made by affidavit before officer competent to administer oaths as a substitute for the personal attendance of the witness.

ITEM V. An act to amend Section 3 of Chapter 349, Mississippi Laws of 1950 (Section 436-03, Mississippi Code of 1942, Recompiled), to provide for commitment by the clerk of the chancery court where the alleged alcoholic or drug addict admits the allegations of the petition by answer, or is certified to be incapable of responding to process.

ITEM VI. The Committee undertook the study of a general proposal to make certain changes and improvements in the statutes on Summons and Seizures, Replevin and Attachments. This study was proposed in order to determine whether there can be a simplification of these statutes and an improvement in procedures. Numerous statutes are involved. It is recommended that this subject be continued for study during the next year.

ITEM VII. The Committee also undertook a study of the statutes on depositions generally. The sub-committee studying that question recommended that depositions be studied and considered in connection with a broader civil procedure program. No recommendations were made by the sub-

committee and this subject is recommended for further study in the coming year.

A number of the proposals recommended to the Legislature contained in the Study Committee report for 1960-61 were not adopted by the Legislature. It has been the custom to again list these proposals on the Study Committee Report, but since no further convention action is necessary, these proposals are not listed herein.

REPORT OF COMMITTEE ON TAXATION

Subcommittee "A," Special Liaison Tax Committee with three delegates attended the meeting of the annual Convention in Atlanta, on October 6, 1961. Warren Ludlam was selected as Chairman for the ensuing year. A report of the meeting was given to the Public Relations Officer of the Mississippi State Bar and circulated through the *Mississippi Lawyer* and at meetings of the Commissioners and Taxation Committee.

On October 24, 1961, the full Committee on Taxation met at the Heidelberg Hotel in Jackson. A subcommittee was appointed to contact members of the faculty of the University of Mississippi School of Law to encourage provision for requiring a basic course in Accounting and Statement Analysis for pre-law students.

It was proposed that a Tax Institute be held at the University of Mississippi in the form of a seminar and on December 15 a one-day seminar was held at the University of Mississippi. Your Chairman has been in conference with representatives from the University of Mississippi, and on May 24, 1962, presented to the Commissioners a plan for a Cooperative Annual Tax Institute to be jointly sponsored by the University of Mississippi School of Law and the Mississippi State Bar through its Taxation Committee.

It is recommended that the Committee on National Conference of Lawyers and Certified Public Accountants as a subcommittee of the Taxation Committee at the state level be abolished and that the functions of this committee be delegated to the Committee on Unauthorized Practice and that any further violations by accountants or other non-lawyers be reported to said committee and dealt with under existing statute.

The Taxation Committee has furnished the Committee of the American Bar Association with a copy of our "Statement of Principles," relative to professional relations of lawyers and non-lawyer groups, especially accountants in trying to effect a suitable and workable statement of practice relations at the national level. It is the opinion of your Chairman that the Statement of Principles adopted by the American Bar Association on Professional Relations is a watered down and ineffective approach to the problem and that this matter should be followed up more vigorously from the state level to obtain a stronger and more effective agreement at the national level that will stand the test of practical application without compromising the standards of the legal profession.

REPORT OF THE UNIFORM COMMERCIAL CODE COMMITTEE

The Uniform Commercial Code Committee met in the fall of 1961 and determined at that time to make an effort to obtain the passage of the Uniform Commercial Code at the 1962 Regular Session of the Legislature. At this meeting it was determined that it was necessary for a detailed study to be made of the sections of the Mississippi Code which would be repealed by the enactment of the Uniform

Commercial Code. This study was undertaken by the University of Mississippi School of Law and the study was financed jointly by the Mississippi State Bar and the School of Law.

After the results of this study had been obtained the Uniform Commercial Code was introduced in the Senate and was referred to the Judiciary Committee. The Judiciary Committee favorably reported the bill and it was placed on the Senate calendar. Considerable opposition, stemming mainly from a misunderstanding of the provisions of the bill and its purpose, developed in the House of Representatives and it was determined that the bill should be recommitted to the Senate Judiciary Committee rather than suffer a defeat in the House of Representatives.

It is recommended that the 1962 meeting of the Mississippi State Bar endorse the Uniform Commercial Code and recommend its passage to the 1964 Regular Session of the Mississippi Legislature. It is further recommended that the State Bar undertake to familiarize the members of the Legislature with the need and goals of the Uniform Commercial Code before the 1964 Regular Session.

REPORT OF THE COMMITTEE ON WORKMEN'S COMPENSATION

On February 16, 1962, your Committee, in cooperation with the Department of Conferences and Institutes, University Extension, University, Mississippi, and the University, Mississippi School of Law conducted a Workmen's Compensation Seminar that was well attended by the members of the Mississippi Bar.

On March 12, 1962, there was a meeting of the Committee to make arrangements for the Committee participation in the 1962 Bar Convention.

COMMITTEE REPORTS—JUNIOR BAR SECTION

REPORT OF THE ADMISSION CEREMONY COMMITTEE

The Admission Ceremony Committee made arrangements for the June graduating class of the University of Mississippi Law School to be introduced to the Supreme Court. This ceremony was held at 11:00 A.M. on Monday, June 4, 1962. The thirty-one graduates were introduced to the court by E. C. Ward. The court, through Judge McGehee, addressed the new admittees.

A luncheon honoring the new admittees was held at the Heidelberg Hotel after the ceremony. Invitations to the luncheon were issued to the graduating class at the University Law School, members of the faculty of the University Law School, graduates from the January class at the University Law School and those persons who successfully completed the Bar Examination in February, 1962. The luncheon was attended by 28 of the new admittees, four lawyers who were admitted to the bar in February, 1962, several wives and a few special guests. E. C. Ward made a short talk on the activities of the Mississippi Junior Bar. Earl Thomas addressed the group on the activities of the American Bar Association and the benefits enjoyed by its members. Shelby Rogers made the feature address on the "Lawyer and his Profession."

REPORT OF THE LAW DAY U.S.A. COMMITTEE

The stated purpose of the Law Day U.S.A. observance is to emphasize the indispensable role of law in our lives and foster that respect for law which is so vital to our form of government. Of course, this emphasis can be effectively accom-

plished only if the Law Day "message" is presented to a large majority of the people of each community. As a result of the co-operation of a great many people, lawyers and laymen alike, we feel that our goal was accomplished and that this year's Law Day program was a successful one.

Our work was in two distinct parts. First, we distributed to each local bar association sufficient copies of all of the material made available to us by the American Bar Association containing suggestions and ideas for an effective Law Day program. The second phase of the committee work involved a greater direct participation in the Law Day activities than the first phase, which was merely supervisory. We attempted to call attention to the occasion by distributing, through various statewide organizations, posters, leaflets, etc., which would be displayed or distributed at the appropriate time.

Also, on the State level, an appropriate resolution was passed by the legislature and Governor Barnett issued a proclamation designating May 1 as Law Day, U.S.A., and calling on all Mississippians to join in its observance.

The committee would like to make one recommendation to the "powers that be" relative to the organization of the Law Day committee next year. One difficulty we experienced is that often we were not furnished the name of the Law Day chairman for each local association. We therefore had to send our material, correspondence, etc., to the President of each association and request that he place it in the hands of the Law Day chairman. We are confident this was done but the problem would be eliminated entirely by making each local Law Day chairman a member of the State committee. It would be necessary, of course, to have additional committee members to handle the matters not directly involving the local Law Day programs such as the distribution of posters through the Mississippi Bankers Association, Savings & Loan League, etc. It is not suggested that the local chairman, by serving on the State committee, be expected to do any work other than supervise the Law Day program in his county. However, this plan would place the State committee in direct liaison with the Law Day program in each county and would ensure that all of the material distributed by the State committee promptly reached the local committee. Of course, each local President should appoint his Law Day chairman as early in the year as possible and notify the State Bar President in order that the State committee may be formulated.

REPORT OF THE COMMITTEE OF THE SIXTEENTH ANNUAL MISSISSIPPI LAW INSTITUTE

The subject of the Sixteenth Annual Mississippi Law Institute was "Oil and Gas Law." This Institute was blessed with an unusually large attendance as more than 260 lawyers and oil industry personnel registered for the sessions which were held at the Heidelberg Hotel on December 8 and 9, 1961. We were particularly fortunate this year in the selection of speakers in that we were able to secure some of America's outstanding lawyers in this field.

One of the highlights of the program was the banquet address by Mr. William C. Smith, President of Standard Oil of Kentucky. Mr. Smith was introduced by Governor Barnett and gave a very interesting talk about the $125 million refinery to be located near Pascagoula, describing its operation, what it will mean to Mississippi, why it was located here, etc. Dean Bob Farley again demonstrated why he has the reputation of being the world's best toastmaster. The Rt. Rev. John M. Allin, Bishop Coadjutor, Diocese of Mississippi, pronounced the invocation.

REPORT OF THE YOUNG LAWYERS' SEMINAR COMMITTEE

The purpose of the Young Lawyers' Seminar is to bridge the gap between the theory of law school and some of the more practical aspects of actually practicing law. It has proved to be successful in the past.

We sent brochures out and they have the program in them. We had "Accounts Collections" by Robert King of Jackson; "Abstracts and Titles" by Tom Scott from Jackson; "Negligence Actions" by Josh Morse; Workmen's Compensation by Vardaman Dunn; "Domestic Relations" by Forrest Jackson; "Wills and Estates" by William C. Cady of Greenville; "Mechanics of the Court" by Bill Goodman; and, "Defense of Criminal Actions" by Boyce Holleman.

We feel that the Seminar was very successful.

APPENDIX B

DIRECTORY

MISSISSIPPI STATE BAR

AUGUST, 1962

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Richard B. Booth
Claude A. Chamberlin
Box 72
Judge Allen Cox
D. W. Houston, Jr.
Watkins Bldg.
George W. Howell, Jr.
Box 96
Robert D. Patterson
Drawer 170
Ralph E. Pogue
Lyonel Thomas Senter, Jr.
301 W. Commerce St.
Johnny N. Tackett
Box 157
John S. Therrell
Box 424
William S. Turner
Box 386

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Jack B. Carlisle
Courthouse Bldg.
J. P. Coleman
William Dewitt Coleman
James Dennis Dobbs
Box 155

AMORY

John E. Johnson
907 10th Ave. N.
J. O. Prude III
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A. H. Ritter, Jr.
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BATESVILLE

Dennis M. Baker
102 Ward Ave.
Charles Clifton Finch
Box 86
Hill Jarratt
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300 Toulme St.
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Dan M. Russell, Jr.
153 Main St.

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Robert H. McFarland
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J. E. Ulmer, Jr.
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Womack Bldg.
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941 E. Beach St.
F. G. Cody
406 Benachi
L. C. Corban, Jr.
Box 2
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1730 W. Beach
Lt. Mark T. Finch
126 Shadylawn Drive
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Frederick J. Mannino
Peoples Bk. Bldg.
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Howard A. McDonnell
Suite 201, Barq Bldg.
Newton Kelly McKoin
Drawer M M
Guy Nichols
203 Porter Avenue
Walter L. Nixon, Jr.
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Box 292
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Jules A. Schwan
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203 Barq Bldg.
Lawrence Semski
Box 552

Charles L. Todaro
1136 West Howard Ave.
Box 552
E. C. Tonsmeire, Jr.
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621 School Street
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Drawer 480
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516 West Second St.
James A. Phyfer
124 Leflore, Apt. 5
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Box 431
J. L. Prude
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121 Yazoo Ave.
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917 Russwin
Harvey T. Ross
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Box 339
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426 West 2nd St.
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510-11 McWilliams Bldg.
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Box 876
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County Court

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Drawer 1031
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Box 855
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Joseph C. Feduccia
112 N. Pearman Ave.
Judge Ed. H. Green
Circuit Court
Ellis Griffith
Suite 113, Commerce Bldg.
John L. Hatcher
Box 148
Joseph M. Howorth
515 S. Victoria Ave.
Lucy S. Howorth
515 S. Victoria Ave.
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Chancellor
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A. B. Sparkman
Carmon E. Valentine
127 South Court St.
John White Valentine
127 South Court St.
Frank O. Wynne, Jr.
Owen Bldg.

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Box 114
William H. Hewitt
801 Oakwood Drive
Corwin G. Muse, Jr.
Clinton Savings &
Loan Bldg.
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311 N. Jefferson
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225 2nd Street
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310-312 Newsom Bldg.
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Watts Bldg.
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Circuit Court
Maurice Dantin
310 Newsom Bldg.
James R. Davis
Box 222
Ernest R. Duff
216 Newsom Bldg.
Roy J. Goss
Suite 308, Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Michael H. Lawless
Newsom Bldg.
Henry Mounger
Suite 216, Newsom Bldg.
Henry E. Pope
Box 569
Ben Mounger Rawls
Citizens Bk. Bldg.
H. Phillip Singley
309 Newsom

COLUMBUS

William Ellis Bearden
518½ Second Ave N.
William G. Burgin, Jr.
516 2nd Avenue N.
Richard H. Carlisle
Box 374
H. T. Carter
521 2nd Ave. N.
Charles L. Garnett
Box 1001

Hunter M. Gholson
516 N. 2nd Ave.
Dewitt T. Hicks, Jr.
215 Fifth St. N.
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512 2nd Ave. N.
John H. Holloman, III
Second Ave. N.
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516½ Second Ave. N.
T. W. Lewis, Jr.
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Box 1001
Jacob C. Pongetti
207 5th St. N.
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514 2nd Ave. N.
Box 249
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George J. Schweizer, Jr.
Box 166
John F. S. Sims
519½ Second Avenue N.
W. L. Sims
1124 N. 11th St.
Douglas Clyde Stone
Commercial Dispatch Bldg.
R. C. Stovall
Box 591
W. J. Threadgill
215 Fifth St. N.
Henry K. Van Every
Box 761
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Box 1003
David J. Whitaker, Jr.
Box 981

CORINTH

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James P. Dean
2002 Proper St.
H. A. Hopper
Chambers-Liddon Bldg.
Frank K. Hughes
715 Foote St.
Thomas G. Lilly
Box 549
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
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Box 844
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Carey Stovall
201 Chamber-
Liddon Bldg.
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207-08 Natl. Bank of
Commerce Bldg.
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Box 233

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J. H. Daws
Helen J. McDade
Box 1562
Louie P. Spinks
Box 1476

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O. M. Marsalis
Pascal Judson Townsend, Jr.
Drew Profes. Bldg., Inc.
111 S. Main St.

DUNCAN

Glover A. Russell
Box 366

DURANT

Carl F. Drake
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101 E. Madison

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W. D. Carmichael
Box 1368
Glender Dennis
Cecil G. Johnson
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L. K. Saul
Courthouse

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Box 267
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Chancellor

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Harry L. Corban
R. L. Corban, Jr.
Carroll J. McLaurin
James M. Walker
Box 36

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Drawer 179
Wm. A. Huff
Drawer 179
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Box 385
Roy Noble Lee
Masonic Bldg.
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Box 46
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209 E. 1st St.
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Amite Co. Bk. Bldg.
Joe Upton

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GREENVILLE

George Douglas Abraham
Box 24
Nathan P. Adams, Jr.
411 Weinberg Bldg.
Joseph W. Biggers
236 Main
Edward J. Bogen
Weinberg Bldg.

Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
Box 895
Frank Carlton
Box 442
George L. Cottingham, Jr.
Box 40
Ralph D. Davison
Box 918
Fountain D. Dawson
Leyser Building
Box 1151
Anse Dees
Box 168
Fred C. Delong, Jr.
Box 895
W. S. Dickson
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Howard Dyer, Jr.
303-04 Weinberg Bldg.
Holland O. Felts
Box 1098
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205-08 Weinberg Bldg.
W. C. Keady
Box 895
Ernest Kellner, Jr.
Weinberg Bldg.
Raymond V. Kimble, Jr.
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J. A. Lake, Jr.
Box 918
Robert Hart Lake, Jr.
124 S. Poplar St.
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Drawer 660
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Box 558
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Julian David Orlansky
Box 1334
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405-10 Weinberg Bldg.
Judge Zelma W. Price
Box 766
Tony P. Provenza
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Eugene J. Raphael
Woolworth Bldg.
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Weinberg Bldg.
Laurance J. Sievers
418 Weinberg Bldg.
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Weinberg Bldg.
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Leyser Bldg.
Judge S. B. Thomas
Chancellor
William Thomas, Jr.
948 Arnold Ave.
Charles S. Tindall, Jr.
Box 918
Charles W. Wade
200 Leyser Bldg.
John C. Webb
216 Weinberg Bldg.
Burwell B. Wilkes
Suite 411, Weinberg Bldg.
Joseph E. Wroten
Box 1334
Douglas C. Wynn
Box 918

GREENWOOD

Edward J. Antoon
Box 417
A. H. Bell
Drawer 657
William H. Braden, Jr.
903 Grand Blvd.
Norman C. Brewer
Box 411
Charles Milton Deaton
Box 411
George Harris Dulin
310 Cotton Street
Gray Evans
Box 411
Hugh Craig Forshner
1113 River Road
John J. Fraiser, Jr.
Whittington Bldg.
Willie J. Heckler
115 Howard Street
Arthur Jordan
O. L. Kimbrough
Box 516
Hardy Lott
Aven Bldg.
R. Cunliffe McBee
Drawer 657
George Hite McLean
Box 516
Pearl McLellan
Box 54
Gerald J. Montgomery
300 Lamar St.
Paul D. Montjoy
Box 921
W. H. Montjoy
Box 906
Yerger Morehead
Whittington Bldg.
Frank K. Odom
Box 674
H. Talbot Odom
Box 674
Porter W. Peteet
Whittington Bldg.
James M. Pierce
Whittington Bldg.
M. F. Pierce
Wright Bldg.
Bobby W. Pittman
City Hall
James C. Pittman, Jr.
Box 674
Judge Charles Pollard
Old Bk. of Leflore Bldg.
J. Stanny Sanders
Aven Bldg.
Gordon L. Smith
804 Bell Ave.
Richard L. Smith
Box 246
Seth Wheatley, Jr.
Box 389
W. M. Whittington, Jr.
Box 941
William M. Whittington
Box 941
Fred Witty
Box 912

GRENADA

Thomas A. Bell
Box 901
A. M. Carothers
Grenada Bk. Bldg.
Jim McRae Criss
15 Evans Bldg.
Box 121
Bradford J. Dye
Box 917
Bradford J. Dye, Jr.
Box 917
William H. Fedric
Grenada Bk. Bldg.
Jay Gore, Jr.
Box 901
John T. Keeton
Box 602
William A. Lomax
Grenada Bk. Bldg.
Mitchell M. Lundy
11 Evans Bldg.
Judge Marshall Perry
Evans Bldg.
Leon E. Provine
Box 147
William O. Semmes
Box 240
Bryant Jerome Shaw
1176 S. Mound Street
Lida B. Shaw
1176 S. Mound Street
William F. Winter
Box 738

GULFPORT

Bidwell Adam
1607 24th Ave.

E. J. Adam, Jr.
300 Hewes Bldg.
Robert B. Adam
1607 24th Ave.
Frank W. Alexander
Box 88
Jo Drake Arrington
410 Hewes Bldg.
Harold R. Barber, Jr.
Box 1023
Thomas D. Berry, Jr.
1414 25th Avenue
Rae Bryant
Suite 5, Salloum Bldg.
Robert R. Buntin
Box 985
Everett E. Cook
Box 135
Bruce G. Cornell
3rd Floor, Hewes Bldg.
David C. Cottrell, Jr.
Box 225
William F. Dukes
5312 Quincey Ave.
Aubert C. Dunn
5th Floor, Hewes Bldg.
James S. Eaton
Box 225
G. E. Estes, Jr.
Box 88
William Estopinal
Medical Bldg.
John A. Evans
1313 24th Ave.
Jason H. Floyd
Box 142
E. J. Ford, Jr.
201 Hatten Bldg.
Charles R. Galloway
Box 225
John M. Gardner
1425 24th Ave.
D. M. Graham, Jr.
203 Hardy Bldg.
D. M. Graham
203 Hardy Bldg.
P. D. Greaves
Suite 308,
Gulf Nat'l Bk. Bldg.
Zula Kate Harris
Box 225
Gaston H. Hewes
Hewes Bldg.
Judge William G. Hewes
Chancellor
Viola J. Hilbert
Hewes Bldg.
Forrest E. Holder
22 Poplar Circle
Clyde O. Hurlbert
1622 Oak Ave.
Oscar B. Ladner
Box 727
Eaton A. Lang, Jr.
Box 225
Edward M. Lindsey
Box 524
English Lindsey
Hewes Bldg.
Ewart G. Lindsey
Box 998
William E. Logan
Hatten Bldg.
Judge Luther W. Maples
26th Ave.
Ernest G. Martin, Jr.
Abstract Bldg.
R. B. Meadows
Hewes Bldg.
Judge Sidney C. Mize
Federal Court
Webb M. Mize
310 Gulf Nat'l Bk. Bldg.
George E. Morse
Hatten Bldg., Box 265
Nancy Wood Morse
Hatten Bldg.
Stanford E. Morse
Hatten Bldg.
Stanford E. Morse, Jr.
Hatten Bldg.
Sherman Lewis Muths, Jr.
2300 14th St.
Paul M. Newton
2414 Fourteenth St.
H. G. O'Conor
4512 Jefferson Ave.
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 14th St.
Clayton Rand
The Dixie Press
Thomas N. Roberts, Jr.
Box 181
Joseph C. Seaman, Jr.
No. 11 51st St.
Donald O. Simmons
Box 575
J. U. Simmons, Sr.
Box 575
Upton Sisson
Box 456
George R. Smith
Legion Bldg.
George R. Smith, Jr.
Legion Bldg.
Robert L. Taylor
Box 88
Hollis C. Thompson, Jr.
Box 580
R. W. Thompson, Jr.
310 Gulf Nat'l Bk. Bldg.
McRae Turner
Miss. Power Co.
Harry G. Walker
Box 2251 Evergreen Sta.
Knox W. Walker
1306 27th Ave.
Douglas Knox White
Abstract Bldg.
Neil W. White
Box 985
W. H. White
Box 144
Marguerite L. Williams
1805 19th Ave.
Richard L. Yarbrough
1414 25th Ave.
Ralph D. Young
Box 181

HATTIESBURG

Lawrence D. Arrington
209 Carter Bldg.
Robert E. Arrington
Box 22
Bruce C. Aultman
411 Carter Bldg.
Dorrance Aultman
Box 3
B. H. Baker
Box 801
Frank David Barber
Box 1209
Stone D. Barefield
611 Carter Bldg.
Jefferson C. Bell
Box 1125
Carl E. Berry, Jr.
201-202 Michael Bldg.
J. Lee Bilberry
Box 1390
James Foster Bodman, Jr.
Box 111
M. D. Brett
Box 1071
Irvin H. Buchalter
Box 506
Frank Wilson Buckley
1011 Pitts St.
J. M. Byrd
Carter Bldg.
John A. Bruce Caldwell
Box 1390
Robert L. Calhoun
Box 461
Lester Clark
302 First Federal Bldg.
Dudley W. Conner
Conner Bldg.
Harold B. Cubley
Box 969
Edward J. Currie, Sr.
508-10 Ross Bldg.
Edward J. Currie, Jr.
508-10 Ross Bldg.
George G. Currie
Box 626
George W. Currie
Box 626
George C. Curry
Drawer 1561
Daniel W. Dabbs
Box 468
T. W. Davis, Jr.
Box 529
James K. Dukes
Box 822

James S. Finch
Suite 207, Ross Bldg.
Lawrence Y. Foote
Drawer 1231
Davis T. Fortenberry
411 Carter Bldg.
Herbert R. Ginsberg
First Federal Bldg.
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
John S. Grove
220 Rebel Bldg.
Wallace R. Gunn
300 Forrest St.
Box 1174
Judge Stanton A. Hall
Circuit Court
Judge William Haralson
Box 132
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg, Jr.
401 Ross Bldg.
Paul H. Holmes
Box 822
William J. Huff
104 Pinehurst St.
Paul B. Johnson, Jr.
130½ E. Pine St.
Rex K. Jones
209 Geiger Bldg.
Box 125
W. Arlington Jones
Suite 401-03 Carter Bldg.
William F. Jones
Box 95
A. F. Kelly
Geiger Bldg.
Carl W. Kepper
Box 251
Marie P. Kepper
Box 251
Joe R. King
304-05 Citizens Bk. Bldg.
Box 227
Alvin N. London
Box 426
James F. McKenzie
401 Ross Bldg.
Frank D. Montague, Jr.
201-04 Carter Bldg.
J. Martin Mooney
Carter Bldg.
Alfred Moore
111½ E. Front St.
Box 95
C. M. Morgan, Jr.
Box 1333
Forrest M. Morris, Jr.
215 E. Front St.
William H. Morrow
Box 567
Paul B. Murphy
Box 1349
William V. Murry
206 Conner Bldg.
Mildred W. Norris
Box 1633
Judge Thomas D. Ott
307 Citizens Bk. Bldg.
Howard L. Patterson
Box 808
Claude F. Pittman, Jr.
Box 227
Edwin Lloyd Pittman
511½ Main St.
Homer Pittman
Box 227
Jack Homer Pittman
Box 227
Moran M. Pope, Jr.
Box 1463
William L. Richmond
119 Front St.
Thomas Jack Riley
300 Forrest St.
M. M. Roberts
Box 870
John Hillman Rogers
813 Crestview Dr.
Phillip Rolls
Box 1343
Donald B. Ruiz
512½ Main
W. L. Shappley
Box 6
James Simrall, Jr.
411 Carter Bldg.
E. E. Staton
Box 54
Ben Stevens
316 Forrest St.
Box 1381
Joseph H. Stevens
Box 1643
L. Jack Stewart
Box 969
C. W. Sullivan
Box 1591
R. M. Sullivan
Box 1591
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
401 Ross Bldg.
Melvin M. Thomas, Jr.
200 29th Ave.
J. Kearney Travis
Citizens Bk. Bldg.
Jack B. Weldy
Suite 206-10 Carter Bldg.
Francis T. Zachary
206 Carter Bldg.

HAZLEHURST

S. E. Allen, Jr.
Box 423
John T. Armstrong
Bk. of Hazlehurst Bldg.
Mrs. E. R. Arrington
Box 347
R. O. Arrington, Jr.
Box 347
Donald C. Cooley
Drawer 30
Harris B. Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bk. of Hazlehurst Bldg.
Judge Carroll Kemp
Wilson Bldg.
Julius L. Lotterhos, Jr.
Box 509
Lena C. Zama
Box 108

HERNANDO

Ross Lee Franks
Boyce Lee Garner
Lee Virden Hamberlin
Box 715
F. C. Holmes, Jr.
H. Grady Johnston
Joel P. Walker, Jr.
Edward L. Whitten, Sr.
W. E. Wilroy, Jr.
Box 5
W. E. Wilroy
Box 5

HICKORY

W. M. Everett
Box 115
S. E. McGee

HOLLANDALE

W. Scott Thompson
Box 307

HOLLY SPRINGS

John W. Bryant, Jr.
Merchants & Farmers
Bank Bldg.
Robert P. Crutcher
Box 377
Charles N. Dean
330 Salem Ave.
Wall Doxey, Jr.
Lester G. Fant, Jr.
Box 377
Sidney L. Hurdle
First State Bk. Bldg.
John L. Kennedy
N. Side of Square
George H. Rather
L. A. Smith, Jr.
First State Bk. Bldg.
Fred E. Swaney
Van Dorn Ave.
Warren Winford Wilkins

HOUSTON

H. B. Abernethy
Woodrow Wilson Brand, Jr.
Box 128

Jeff Busby
Box 123
Thomas B. Davis
432 S. Jackson St.
John P. Fox
Box 231
James Simms Gore
562 N. Jackson St.
A. E. Hawkins
Box 266
C. H. McCraine, Jr.
Box 231

INDIANOLA

Richard M. Allen
Masonic Bldg.
A. B. Clark
Box 88
Judge Arthur B. Clark, Jr.
Circuit Court
Edward Lionel Cook, Jr.
Peoples Bk. Bldg.
Forrest G. Cooper
Masonic Bldg.
Frank O. Crosthwait, Jr.
Masonic Bldg.
Howard Q. Davis
Box 88
Aaron M. Edwards
236 Sunflower Ave.
Gordon L. Lyon
Masonic Bldg.
J. H. Price
David M. Quinn, Jr.
Box 172
G. P. Ritchey
128 Main St.
Oscar B. Townsend
Box 88

INVERNESS

Raymond L. McGuire
Box 187

ITTA BENA

Cleveland Davis
Box 98
Perry W. Morton
Box 82

IUKA

J. O. Clark
James Barry Finch
Box 335
J. D. Finch
Harry M. Rhine
Cecil Lamar Sumners

JACKSON

Annie Lou Abel
1409 St. Francis
Lee B. Agnew
418 Yazoo St.
John E. Aldridge
Box 1699
Chalmers W. Alexander
Box 291
James A. Alexander, Jr.
Box 977
Julian P. Alexander, Jr.
Box 1367
Paul Alexander
1847 Dep. Gty. Bk. Bldg.
William P. Alexander
Box 1284
James E. Allen
Dep. Gty. Bk. & Trust Co.
Sam S. Allred
Box 651
Lester Alvis, Jr.
3955 Berkley Dr.
Judge R. Olney Arrington
Asso. Justice Supreme Court
New Capitol
B. Galloway Austin
518 E. Pascagoula St.
William A. Bacon
Box 15
Charles T. Barber
Box 1734
Henry E. Barksdale
300 Lamar Life Bldg.
James A. Barnett
315-21 Barnett Bldg.
Governor Ross R. Barnett
New Capitol
Ross R. Barnett, Jr.
315-21 Barnett Bldg.
Robert M. Bass, Jr.
Box 1490
Stephen L. Beach, Jr.
Box 663
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
James A. Becker, Jr.
Box 650
J. A. Bellan, Jr.
690 First Nat'l Bk. Bldg.
William H. Bennett, Jr.
Box 56
Walter M. Berry
Cabell Electric Co.
Robert A. Biggs, Jr.
Box 1370
Louis S. Bills, Jr.
Box 794
Richard A. Billups, Jr.
Box 1056
Alvin M. Binder
Box 9984
Maj. Samuel E. Birdsong, Jr.
4047 Pine Hill Drive
Melvin B. Bishop
Box 1084
Walter R. Bivins
235 Cooper Road
James C. Blanton
Suite 690, Milner Bldg.
Tom L. Blissard
King Edward Hotel
E. L. Bond
321 Sewanee Drive
Grover L. Boone
4660 Meadowridge Drive
Carl C. Bostic
Barnett Bldg.
M. P. Bouslog
Box 3032
Francis S. Bowling
431 Tombigbee, Court Sq. S. Bldg.
Hartwell Bowling
Box 78
Ras Milton Boyles
Box 998
John R. Bradley, Jr.
Box 157
Richard C. Bradley
406 Rollingwood Drive
Audrey W. Brand
Box 8222
Battlefield Station
Jack W. Brand
Box 158
S. M. Brand
Box 8222
Battlefield Station
Dan E. Breland
Box 765
Charles Alexander Brewer
419 Mitchell Ave.
Kenneth M. Britt
690 First Nat'l Bk. Bldg.
Harmon W. Broom
418½ E. Pearl St.
Box 1275
Rufus H. Broome
Box 5521
J. T. Brown
Box 291
E. L. Brunini
Box 119
Clifton E. Bryant
4250 Athens Dr.
Noel W. Buckley
209 Barnett Bldg.
Cary E. Bufkin
Box 1172
James D. Buford
Box 1172
Delos H. Burks
Asst. Atty. General
New Capitol
Robert Burns
Box 158
Jack C. Burrell
Box 1972
Charles W. Busby
Suite 310, Barnett Bldg.
William A. Busby, Jr.
418 Yazoo St.
Millard M. Bush
Box 9984
George H. Butler
Drawer 1250
Wilton V. Byars
1617 Wilhurst St.

Joseph B. Cadwallader
1801 Deposit Gty. Bk. Bldg.
T. Eugene Caldwell
401 Barnett Bldg.
Edwin T. Calhoun
1626 Lockwood
K. Hayes Callicutt
Box 1172
Robert C. Cannada
Drawer 1250
John Wesley Capers
Suite 611, Barnett Bldg.
Robert Taylor Carlisle
Box 1269
Charles A. Carter
Box 1582
William O. Carter, Jr.
Box 157
Craig Castle
328 First Nat'l Bk. Bldg.
Edward L. Cates
Asst. Atty. General
Box 2005
Paul Chambers
1007 Deposit Gty. Bk. Bldg.
C. J. Chandler
3726 Greenwich St.
Reynolds Cheney
Box 1666
James K. Child, Jr.
Box 157
W. M. Childress
513½ E. Capitol St.
Bernard W. N. Chill
Box 1482
Clifford C. Chittim
Box 427
Charles Clark
Suite 1741,
Deposit Gty. Bk. Bldg.
G. C. Clark, Jr.
107 Electric Bldg.
Hollis M. Clark
513½ E. Capitol St.
Thurman L. Clark
4143 Carol Drive
William W. Clark
Box 1429
Neal Clement
1034 Meadow Heights
James L. Clemons
1105 Garden Park Drive
Percy L. Clifton
501 Medical Bldg.
J. W. Cocke
1339 Deposit Gty. Bk. Bldg.
Dr. John V. Cockrell
1816 St. Ann St.
Marvin A. Cohen
Box 427
Curtis E. Coker
Box 1084
William F. Coleman
431 Tombigbee
Aline J. Collum
416 Plaza Bldg.
James O. Conner
821 Madison St.
A. S. Coody
776 North West St.
Henry D. Cook
1216 Raymond Road
Robert F. Cooper
Box 1450
John R. Countiss III
Suite 200, Petroleum Bldg.
H. A. Courtney
1231-33 Deposit
Gty. Bk. Bldg.
Bobby Louis Covington
Box 896
Frederick G. Cox, Jr.
Box 4311
Judge William Harold Cox
Box 921
William Harold Cox, Jr.
Suite 1741,
Deposit Gty. Bk. Bldg.
John A. Craig
Box 651
Rufus Creekmore
822-25 Plaza Bldg.
Wade H. Creekmore
Public Serv. Commission
1105 Woolfolk Bldg.
Thomas R. Crews
Box 977
Alfred N. Crisler
431 Tombigbee, Court Sq.
South Bldg.
Bert Crisler
813 Deposit Gty. Bk. Bldg.
Charles W. Crisler, Jr.
431 Tombigbee, Court Sq.
South Bldg.
Thomas W. Crockett, Jr.
Box 961
Earl R. Cruthirds
Box 1947
E. Hugh Cunningham, Jr.
315-21 Barnett Bldg.
Joe H. Daniel
Box 1084
R. A. Darden
644 Choctaw Road
Thomas Edwin Davidson
Box 663
James L. Davis, Jr.
308 First Federal
Savings & Loan
Joe Sanford Deaton
4243 Meadowlane Drive
R. R. Dinsmore
4096 Redwing Ave.
J. Hubern Dodd
212 Barnett Bldg.
Richard W. Dortch
Box 119
James K. Dossett
1801 Deposit Gty. Bk. Bldg.
Colbert Dudley
2329 Oakhurst Drive
Vardaman S. Dunn
Suite 1741, Deposit
Gty. Bk. Bldg.
P. H. Eager, Jr.
Plaza Bldg.
Al D. Eatmon
Box 845
Barney Edward Eaton III
Box 807
Lynel C. Echols
1231-33 Dep. Gty. Bk. Bldg.
Henry Edmonds
Box 481
Allan T. Edwards
707 Plaza Bldg.
E. Ray Edwards
Box 427
Joseph B. Elliott
Box 945
Lura Clark Ethridge
720 North St.
Judge W. N. Ethridge, Jr.
Asso. Justice Supreme
Court, New Capitol
Clyde V. Eubanks
Box 3251
William D. Evans, Jr.
202½ W. Capitol
Jack H. Ewing
Box 330
Foster C. Fant, Jr.
Suite 610, Barnett Bldg.
Michael P. Fedorak, Sr.
V. A. Center, Rm. 119-D
Bethel Ferguson
Miss. Power & Light
U. Grey Flowers, Jr.
Box 2022
Henry G. Flowers
520 S. President St.
Henry A. Fly
Box 551
W. B. Fontaine
1623 Dep. Gty. Bk. Bldg.
Aaron L. Ford
609 Plaza Bldg.
Victor J. Ford
303 N. Denver
Mary Jo Poole Forman
520 Plaza Bldg.
John D. Fournet
Box 1031
John H. Fox III
Box 1261
Lawrence J. Franck
Box 995
J. B. Franklin
513½ E. Capitol St.
Lawrence C. Franklin
Box 444
Kenneth I. Franks
690 First Nat'l Bk. Bldg.
D. K. Galtney
3920 Oaklawn Dr.

Edythe Evelyn Gandy
State Treasurer
Box 138
Martha Gerald
Box 158
D. A. Gill
Box 2532
Judge R. G. Gillespie
Asso. Justice Supreme
Court, New Capitol
Robert G. Gillespie, Jr.
Box 427
William F. Goodman, Jr.
Box 650
Charles M. Gordon
737 Deposit Gty. Bk. Bldg.
Weaver E. Gore, Jr.
Box 186
Robert S. Graham
Box 1841
Brelon E. Grantham, Jr.
Box 1773
R. Gordon Grantham
Box 119
Charles L. Graves
106 Minerva
Elizabeth W. Grayson
Box 650
Garner W. Green
Box 1666
Garner W. Green, Jr.
Box 1666
Joshua Green
Box 1666
John Gregg
Bov 1583
J. R. Griffin
Asst. Atty. General
New Capitol
John M. Grower
Box 119
Judge Carl E. Guernsey
Rm. 215, Courthouse
Claude W. Guice
4313 Ridgewood Road
Charles C. Hairston
Box 1269
Doric Hakes
348 Sylvian Trail
Carsie Hall
115½ North Farish St.
Judge Lee D. Hall
1839 Linden Place
George S. Hamilton
305 Dunbar
Lowell D. Hamilton
Box 899
Richard B. Hamilton
1957 Meadowbrook Road
Robert B. Hamilton
Box 275
W. Jeff Hamm
531 First Nat'l Bk. Bldg.
Box 97
Samuel C. Hardage
735 Roseneath St.
Bobby Ray Hardin
215 Barnett Bldg.
James Elbert Hardin
4116 Council Circle
A. Y. Harper
Standard Life Bldg.
Charles Edward Harper
Box 727
David A. Harris
1121 Deposit Gty. Bk. Bldg.
William R. Harris
1615 Pine Ridge Place
Newt P. Harrison
Box 119
Robert W. Hartford
Box 2103
Robert E. Hauberg
Box 2091
Ben Hawkins
Box 4714
Jay Homer Hedgepeth
Box 1467
T. H. Hedgepeth
Box 1467
Cecil F. Heidelberg, Jr.
690 First Nat'l Bk. Bldg.
Judge Leon F. Hendrick
Box 1473
Charles B. Henley
Box 326
Clinton G. Herring
1537 Deposit Gty. Bk. Bldg.
Byron T. Hetrick
Box 1818
George P. Hewes III
Box 119
William L. Higgs
Box 4863 Fondren Sta.
J. T. Hill
1363 Belvoir
Matelyn Floyd Hines
Sterling Towers
Joe W. Hobbs
Box 650
Clarence H. Holland
1605 Linden Place
Edwin R. Holmes, Jr.
Box 2091
Judge James G. Holmes
825 Gillespie
Hugh Hopkins
Box 1145
Frank C. Horton
Box 1084
Judge W. T. Horton
1001 Monroe St.
Jones H. Hoskins
936 First Nat'l Bk. Bldg.
James R. Houston
Box 945
Homer Lee Howie
161 E. Pearl St.
Joseph H. Howie
Box 724
Theodore G. Huffman
513 Launcelot Road
Arthur E. Huggins
218 S. President
Joe Jack Hurst
Lamar Bldg.
Box 158
Darryl Alden Hurt
4026 Hanging Moss Road
H. L. Hutcherson
Box 1699
Cecil E. Inman, Jr.
316 First Nat'l. Bk. Bldg.
Forrest B. Jackson
Box 124
Paul L. James
Box 1941
Otis Johnson, Jr.
690 First Nat'l Bk. Bldg.
Jane F. Johnson
Box 158
Ralph Stuart Johnson
185 Woodland Drive
Willis Howard Johnson, Sr.
3129 Adrienne Drive
W. Roderick Johnson
Box 673
Ben Block Burton Jones
Box 2511
Bernard M. Jones
9611 Northside Station
Judge Robert Lee Jones
Asso. Justice, Supreme
Court, New Capitol
Shirley Norwood Jones
Box 1666
W. Roger Jones
Box 326
James E. Kemp
Box 651
Henry M. Kendall
Box 330
Earl Keyes
Box 1381
Frank C. Kimbrell
640 Milner Bldg.
Robert W. King
202 Baptist Bk. Store Bldg.
S. R. King
425½ E. Capitol St.
James D. Kirby
Illinois Central Railroad
Atley A. Kitchings, Jr.
Box 811
John M. Kuykendall, Jr.
Box 961
Judge John W. Kyle
Asso. Justice Supreme Court
New Capitol
Ernest Edward Laird, Jr.
First Nat'l Bk.
Bonner R. Landman
Deposit Gty. Bk. Bldg.

Ralph Landrum
1433 First Nat'l Bk. Bldg.
Roger C. Landrum
Drawer 1250
Dan M. Lee
Suite 200, Petroleum Bldg.
Judge Percy M. Lee, Sr.
Assoc. Justice
Supreme Court
New Capitol
Robert M. Lee
136 E. Griffith
Meyer A. Lewis, Jr.
1847 Deposit Gty. Bk. Bldg.
H. Lee Lindsey
3960 Nassau St.
Hubert S. Lipscomb
Lamar Bldg.
W. Baldwin Lloyd
1819 Deposit Gty. Bk. Bldg.
Carl F. Loerke
228 Sewanee Dr.
L. H. Long
1727 St. Ann St.
Fred J. Lotterhos, Jr.
Box 1084
George L. Lucas
Box 896
Jack H. Lucas
Box 54
Warren V. Ludlam, Jr.
Box 427
G. Garland Lyell, Jr.
Box 220
Daniel E. Lynn
Box 381
B. F. Madole
227 Stirling St.
Joe W. Magee
865 Milner Bldg.
Otho Magee
1942 Wingfield Circle
Frank E. Magill
Box 1972
A. W. Magruder, Jr.
218 A&B, Magruder Bldg.
Lauch Magruder, Jr.
Trust Dept.,
First Nat'l Bk.
Robert S. Major, Jr.
3949 Berkley Dr.
Thomas J. Mallette
579 Witsell Road
John P. Maloney
Box 330
Roland D. Marble
Box 158
G. L. Martin
222 Duncan St.
Roy M. Matlock
417½ E. Capitol St.
Walter Dent May
Box 42
Charles R. Mayfield, Jr.
Box 587
Robert Travis McAdory
2428 Coronet Place
B. B. McClendon
903 Deposit Gty. Bk. Bldg.
B. B. McClendon, Jr.
903 Deposit Gty. Bk. Bldg.
George T. McClintock
315-21 Barnett Bldg.
A. B. McCraw
Suite 4, 413 S. President
Dan M. McCullen
Drawer 1250
John L. McDavid
Box 326
Jack McDill
Box 2091
Judge Taylor H. McElroy
Supreme Court
New Capitol
Judge Harvey McGehee
Chief Justice of Sup. Ct.
New Capitol
Judge M. M. McGowan
Circuit Court
Miles Curtiss McKee
Plaza Bldg.
Alex McKeigney
Box 1640
Curtis W. McKewen
1103 Alta Vista Blvd.
Dale H. McKibben
Box 9703
William E. McKinley
418 Yazoo St.
Martin R. McLendon
Asst. Atty. General
New Capitol
Fred P. McRae
745 Gardner St.
Rex McRaney
1139 Dep. Gty. Bk. Bldg.
C. Eugene McRoberts, Jr.
Box 2147
George D. Meek
619 Mohawk Ave.
Harold D. Miller, Jr.
Drawer 1250
Claude W. Milstead
4857 Windemere Terrace
Milton H. Mitchell
Box 1582
Woodson W. Moffett, Jr.
Box 1594
E. W. Montgomery II
Box 724
M. B. Montgomery
315-21 Barnett Bldg.
E. Don Moore
Box 10087
Northside Station
Judge Russel D. Moore III
Box 807
William S. Moore
Suite 200, Petroleum Bldg.
Donald B. Morrison
Box 1467
Dan W. Morse
601 Plaza Bldg.
Samuel V. Morse
1841 Dep. Gty. Bk. Bldg.
W. E. Morse
602 Plaza Bldg.
Henry H. Mounger
Drawer 1250
Adrian E. Mullen
1746 Hillview Drive
Thomas Earl Mullen
Box 2026
Mrs. Agatha Taylor Murphy
905 Belhaven St.
George S. Neal
Box 945
James Harvey Neeld, III
Box 1261
William H. Neely
Box 78
William T. Neely
Box 17
Alice Nevels, Secretary
Mississippi State Bar
Box 1032
Hugo Newcomb
Asst. Atty. General
New Capitol Bldg.
James W. Newman, III
Suite 821 Plaza Bldg.
Robert G. Nichols, Jr.
Box 1526
Wayne L. Nix
215 Barnett Bldg.
George R. Nobles
Standard Life Bldg.
Paul N. Nunnery
Box 97
Bobby Gene O'Barr
Miss. Work. Comp. Com.
Box 651
Junior O'Mara
Drawer 1250
N. W. Overstreet, Jr
Box 961
Harry D. Owen
Box 3499
Joe T. Patterson
Attorney General
New Capitol
W. R. Patterson
314 Barnett Bldg.
Mary Elizabeth Payne
206 King Drive
Thomas B. Payne
Box 1947
Dudley Pearce
5565 Queen Mary Lane
Paul P. Pennick
200 Petroleum Bldg.
Kenneth Giles Perry
Box 1172
Robert E. Perry
Box 961
M. J. Peterson
Box 4547
Rubel L. Phillips
Box 961

W. W. Pierce
Box 1261
M. A. Pilgrim
341 Segura Ave.
John R. Poole
417½ E. Capitol
Roy D. Powell
Box 673
Thomas W. Prewitt
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Bank Bldg.
Robert A. Pritchard
Box 1084
Ralph D. Pruett, Jr.
237 Maywood
John M. Putnam
522-524 Plaza Bldg.
L. Arnold Pyle
Box 427
Dixon L. Pyles
507½ E. Pearl
John D. Quarles, Jr.
935 Branch St.
James E. Rankin
Box 326
Robert D. Ray
Suite 200, Pet. Bldg.
W. C. Reed, Jr.
701 Vincent Bldg.
Julius T. Reynolds, Jr.
Suite 1433,
First Nat'l Bk. Bldg.
John Sivley Rhodes
831 N. President St.
Barron C. Ricketts
1651 Dep. Gty. Bk. Bldg.
Box 1224
C. R. Ridgway
Box 187
William B. Ridgeway
Box 187
Jack L. Ritter
714 Witsell St.
W. E. Robbins
Box 1831
Judge W. G. Roberds
4844 Windemere Terrace
Judge Stokes V.
Robertson, Jr.
Box 686
Sidney A. Robinson, Jr.
Box 920
Stuart Robinson
Mezzanine Suite
Plaza Bldg.
Judge Henry Lee Rodgers
Asso. Justice
New Capitol
Guy N. Rogers
Asst. Atty. General
New Capitol Bldg.
Richard C. Rogers
Box 1653
Shelby R. Rogers
Plaza Bldg.
Fred A. Ross
Box 1669
Howard C. Ross, Jr.
Ross-Jackson Bldg.
South at Congress St.
Abe A. Rotwein
1203 Deposit Gty. Bk. Bldg.
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3726 Crane Blvd.
David L. Sadler
Box 9634 Northside Sta.
Clarence R. Scales
1107 Deposit Gty. Bk. Bldg.
Jeanne Scales
1107 Deposit Gty. Bk. Bldg.
Jewelle Scales
202½ W. Capitol
Pat H. Scanlon
Box 1172
Carl D. Schneider
1503 E. Northside Drive
Charlie Scott
First Federal Savings &
Loan Bldg.
E. G. Scott
First Federal Savings
& Loan Bldg.
Samuel Elgin Scott
Box 1582
Tom B. Scott, Jr.
Box 1818
Clanton M. Seay
Box 1136
Dugas Shands
Asst. Atty. General
New Capitol
John A. Shanks
4635 Hazlewood Drive
George E. Shaw, Jr.
Box 289
Dan H. Shell
Box 1172
Ernest L. Shelton
712 Plaza Bldg.
Leon Shelton
275 E. Pearl St.
N. R. Shoemaker
Box 1954
J. E. Skinner
839 Deposit Gty. Bk. Bldg.
Bennett E. Smith
Box 1176
John T. Smith
1722 St. Mary St.
L. O. Smith, Jr.
1214 First Nat'l Bk. Bldg.
Neal Smith
Box 1524
Stone M. Smith
Box 1729
Sydney A. Smith, Jr.
1007 Deposit Gty. Bk. Bldg.
W. C. Smith
Box 896
Lee R. Spence
Box 1200
Ernest O. Spencer, Jr.
1240 Petroleum Bldg.
James L. Spencer
523 Plaza Bldg.
Tatum R. Stacy
Box 1269
R. L. Stainton
Box 4391
Herbert Glenn Stampley
3107 Shirley Drive
Percy Stanfield, Jr.
Suite 522, Plaza Bldg.
R. Horace Steele
Box 1200
Jerome B. Steen
Box 1172
E. W. Stennett
412 Barnett Bldg.
Judge J. C. Stennett
Box 686
John H. Stennis
Box 427
Lowell F. Stephens
Box 1200
Francis B. Stevens
Drawer 1250
Phineas Stevens
Drawer 1250
Peter M. Stockett, Jr.
Asst. Atty. General
New Capitol
Ben Harry Stone
Box 119
John E. Stone
4212 Brookdale
R. B. Stovall
603½ E. Fortification
E. Donald Strange
c/o U.S. District Attorney
Federal Bldg.
F. Kent Stribling
611 Barnett Bldg.
Lee A. Stricklin, Jr.
Box 1123
A. C. Stringer
1463 Meadowbrook Road
H. C. Stringer
Rt. 5 Box 61
Terry Rd.
Quentin Stringer
1807 Ridgeover Place
W. E. Suddath, Jr.
Box 650
C. Arthur Sullivan
Box 1381
John C. Sullivan
Box 1381
A. F. Summer
Box 587
Valentine Surgis
Box 17
Kenneth L. Swarthout, Jr.
522 Plaza Bldg.
Thomas M. Tann
Box 1505

Anthony A. Tattis
Box 235
O. B. Taylor
Box 896
O. B. Taylor, Jr.
Box 896
Rowan H. Taylor
Box 896
Swep S. Taylor, Jr.
Box 912
Scott Tennyson
690 First Nat'l Bk. Bldg.
Sidney R. Tharp
706½ N. Farish
Earl T. Thomas
Lamar Life Bldg.
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City Hall
Fulton Thompson
118 N. Congress
Joe A. Thompson
Box 1490
Robert H. Thompson
118 N. Congress
Collis M. Thornell
Apt. R 2
1315 W. Capitol St.
Bernard L. Tighe
416 Plaza Bldg.
Bowman Stirling Tighe
416 Plaza Bldg.
E. B. Todd
429 Tombigbee
Court Square
John E. Tracy
1001 First Nat'l Bk. Bldg.
R. C. Trainor
744 Oakwood, Apt. C
Cecil F. Travis
Box 995
John A. Travis, Jr.
Box 807
Robert Cecil Travis
Box 995
John Bruce Traylor
Box 1094
Betty Bartee Tucker
507½ E. Pearl St.
Roger Lewis Tuttle
690 First Nat'l Bk. Bldg.
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Robert W. Upchurch
2623 Clinton Ave.
Zack J. Van Landingham
1111 Dep. Gty. Bk. Bldg.
Harlon H. Varnado
Route 6, Box 295
G. M. Binx Walker
311 Leavell Woods Drive
Carl G. Wallace
Box 4523
James A. Wallace
215 E. Capitol St.
William L. Waller
Box 1261
Ben H. Walley
1111 Dep. Gty. Bk. Bldg.
O. B. Walton, Jr.
1600 Eastover Dr.
Erwin C. Ward
4345 Liberty Hill Rd.
F. A. Ward
238 Texas Ave.
H. V. Watkins
Box 427
Thomas H. Watkins
Box 650
J. Raiford Watson
Box 2472
Walker L. Watters
Box 158
Robert H. Weaver
Box 427
Calvin L. Wells
Lamar Life Bldg.
Box 158
Erskine W. Wells
Lamar Life Bldg.
Box 158
W. Calvin Wells, Jr.
Lamar Life Bldg.
Box 158
W. Calvin Wells
Lamar Life Bldg.
Box 158
Will S. Wells
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602 Barnett Bldg.
John M. Weston
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Charles Royal White
107 Electric Bldg.
John Harold White, Jr.
107 Electric Bldg.
Gene A. Wilkinson
Box 673
Frank T. Williams
Box 1172
James Lloyd Williams
Box 822
Earl R. Wilson
1819 Dep. Gty. Bk. Bldg.
James M. Wilson
Box 8487
George E. Winkler
215 Barnett Bldg.
Sherwood W. Wise
Box 157
Edward L. Womack
Box 896
Wallace Wayne Wood
Box 8571
George F. Woodliff
690 First Nat'l Bk. Bldg.
Thomas H. Woodrow
4929 Clinton Blvd.
William G. Wright
The California Co.
Standard Life Bldg.
L. A. Wyatt
1040 Milner Bldg.
William Swan Yerger
919 Electric Bldg.
Jack H. Young
207 Redmond Bldg.
James L. Young
Box 1224
J. Will Young
1309 Dep. Gty. Bk. Bldg.
Box 1084
Frank E. Youngblood
260 Milner Bldg.

KOSCIUSKO

John Percy Allen
Box 550
Gerald E. Braddock
Box 827
William D. Brooks
105-07 S. Madison St.
Aaron S. Condon
Box 709
David E. Crawley, Jr.
Crawley Bldg.
William Reynolds Ford
Crawley Bldg.
D. H. Glass
John D. Guyton
105-07 S. Madison St.
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
John C. Love, Jr.
Alton Massey
Box 189
Ray S. Mikell
Box 149
Clarence E. Morgan, Jr.
Box 348
G. J. Thornton
Morgan-Lindsay Bldg.
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

LAMBERT

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Hoke Stone
Van D. Stone
James P. Walker

LAUREL

E. R. Alley
Box 106
J. L. Austin
Box 121
Ray Douglas Baldwin
1206 First Ave.
W. A. Beard, Jr.
First Nat'l Bk. Bldg.
Box 646

E. C. Bonney
Box 957
M. W. Boyd
Box 111
William S. Boyd, Jr.
Box 726
Harvey Breazeale
Masonite Corp.
Ronald C. Brown
Box 171
Kenneth E. Bullock
Box 692
Lampkin H. Butts
Box 153
J. Edwin Campbell
Box 584
Ralph P. Campbell
Box 638
B. F. Carter
Norman Bldg.
Judge Lunsford Casey
Courthouse
Elson K. Collins
Box 732
F. B. Collins
Box 31
Jeff Collins
Norman Bldg.
Edwin P. Connolly
Box 525
William M. Deavours
Box 106
Wilmer O. Dillard
First Nat'l Bk.
Grover C. Doggette
Box 922
Herbert H. Dyke
11 Country Club Drive
Carroll Gartin
Box 713
C. Denton Gibbes, Jr.
Box 2008 Choctaw Sta.
Stewart J. Gilchrist
Suite 301 Wallace Bldg.
Louis A. Gily, Jr.
Box 1123
Ernest W. Graves
Box 2008 Choctaw Sta.
Kirby Maxwell Graves, Jr.
Box 726
Matthew Harper, Jr.
Box 726
James D. Hester
Box 713
Thomas J. Holifield
Box 726
Harry E. Koch
First Natl. Bk. Bldg.
Roy C. Kuyrkendall, Jr.
Box 183
George D. Maxey
O'Ferrall Bldg.
Harold W. Melvin
Box 142
Leonard B. Melvin, Jr.
Box 142
Leonard B. Melvin, Sr.
Box 142
Judge Goode Montgomery, Jr.
Box 402
H. C. Moynihan
519½ Central Ave.
William S. Mullins III
Box 2008, Choctaw Sta.
William Harold Odom
Box 354
L. A. Pacific
Arcade Bldg.
Samuel V. Pack
First Nat'l Bk. Bldg.
Charles W. Pickering
Box 713
L. Percy Quinn
Pinehurst Hotel
Kalford C. Ratcliff
203 First Nat'l Bk. Bldg.
Robert L. Ridley
Box 844
Quitman Ross
First Nat'l Bk. Bldg.
Box 464
A. S. Scott
Box 403
Andrew S. Scott, Jr.
Box 403
Philip E. Stevens
Box 434
Pershing B. Sullivan
Box 1106
Paul G. Swartzfager
Box 121
Philip M. Swartzfager
Box 121
Lowell W. Tew
Box 732
C. H. Walker
Box 648
Guy M. Walker
Box 2098 Choctaw Station
Milton B. Weems
Box 106
David C. Welch
Box 2008 Choctaw Station

LEAKESVILLE

Curtis Van Breland
Box 154

LELAND

D. Hilton Waits
Box 128
William B. Waits
Box 128
Taylor Webb
Box 414

LEXINGTON

Pat M. Barrett
Joseph E. Berman
H. H. Johnson
P. P. Lindholm
Box 5
G. H. McMorrough
D. T. Ruff
H. Edwin White
208 Court Square
Parham H. Williams, Jr.
Box 59

LIBERTY

T. F. Badon
Box 21
Joe D. Gordon
Box 268
Kenneth L. Gordon
Box 373
F. W. Stratton
Box D

LITTLE ROCK

John Adam Smith
Route 2, Box 4

LONG BEACH

George W. Allen
137 Beach Park Ave.
Pete H. Carrubba
Box 1760
Albert E. Easterling, Jr.
202 West Ave.
E. Terrell Easterling
103 Jeff Davis Ave.
Harvey H. Hutchins
208 Jeff Davis Ave.
Joseph B. Mackey
Box 250

LOUISVILLE

R. W. Boydstun
Box 560
R. W. Boydstun, Jr.
Box 342
Charles D. Fair
J. Hoy Hathorn
Masonic Bldg.
E. Grady Jolly, Jr.
Box 471
Neal Prisock
Burris Olen Smith
Box 328
W. A. Strong, Jr.
Box 328
Henry C. Wood
Box 455

LUCEDALE

William Thames Bailey
Box 493
H. M. Hunter
Route 1
Maurice L. Malone
Box 208
Darwin M. Maples
J. O. Moss
Box 572
Williams S. Murphy
Hugh G. Rowland
Box 564

LUMBERTON
Bobby J. Garraway
Box 335

MACON
E. H. Britton
Ernest L. Brown
W. B. Lucas
L. L. Martin
John Alton Phillips
J. P. Stennis
Andrew W. Sullivan, Jr.
Wayne St.
George Benjamin Taylor

MADISON
H. S. Owens
Box 11

MAGEE
T. M. Bishop
Box 623
L. R. Floyd
R.F.D. 2
Box 122
Billy C. Little
Willis T. Matthews
Box 234

MAGNOLIA
Thad Leggett III
Box 307
O. W. Phillips
Box 501
Robert S. Reeves
Box 508
B. D. Statham
110 N. Cherry St.

MARKS
E. C. Black
Ben M. Caldwell
P. L. Denton
Ney M. Gore, Jr.
T. N. Gore
Lomax B. Lamb, Jr.
Eugene Thompson

McCOMB
Louis Alford
Box 8
Robert White Brumfield
Box 1097
John B. Ewing
Box 599
Norman B. Gillis, Jr.
Box 264
Bert H. Jones
Brent Bldg.
L. S. McClaren
Box 201
Gerald M. McMillan
Box 1013
Joe N. Pigott
Box 940
R. B. Reeves
Woolworth Bldg.
Box 1097
J. Gordon Roach
Brent Bldg.
Holt E. Ross
315 Virginia Ave.
Judge Hansford L.
Simmons
County Court
Alfred Paul Statham
104 B Professional Bldg.
Laverne A. Varnado
Box 1055
John H. White, Jr.
Box 672
Winton Edwin Williams
Box 205
William A. Wiltshire
Box 1061

MEADVILLE
L. L. Forman
Charles Herring
Box 265
W. Wilson Hewitt
Nolan M. McCoy
Box 265
H. B. Mayes McGehee
Judge James A. Torrey
Circuit Court
James A. Torrey, Jr.
Box 222
Sanferd P. Torrey

MENDENHALL
Thomas B. Alexander
A. K. Edwards
Box 66
George B. Grubbs
Box 217
Thomas H. Sullivan, Jr.
Box 37
J. W. Walker
Box 37
Connie S. Whitfield
Box 458
George Glen Williamson

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J. P. Abston
207-09 Lamar Bldg.
Gerald Adams
Box 849
Brad B. Bailey
2314-17th St.
L. D. Beard
207-09 Lamar Bldg.
Thomas D. Bourdeaux
Box 2009
Albert S. Bozeman
304 Lamar Bldg.
A. S. Bozeman, Jr.
304 Lamar Bldg.
Frank J. Buchanan
U. S. F. & G. Bldg.
James A. Burns
2513 5th St.
Paul M. Busby
Rm. 214, Courthouse
Judge Ben F. Cameron
Box 707
Charles B. Cameron
Suite 407
Citizens Nat'l Bk. Bldg.
Overton W. Cameron
Box 888
Natie P. Caraway
Dixie Towers
Fledell Chain
3504 32nd Ave.
Edwin K. Clayton
Box 711
W. L. Clayton
1513 25th St.
Robert D. Coit
Box 424
William Bond Compton
Box 845
Alfred Eugene Corey
2415 36th Place
Lyle V. Corey
Box 1413
Joseph M. Corrigan, Jr.
1826 24th Ave.
Oliver Wendell Cosey
Box 643
J. A. Covington
Box 786
Harold G. Crain
Box 144
Maxine B. Crain
Box 144
Dal M. Crenshaw
Box 686
Robert H. Crook
Box 289
Robert B. Deen, Jr.
Box 888
Edwin A. Dunn
Box 1087
J. Thomas Dunn
Box 1087
Walter W. Eppes, Jr.
Box 1445
George M. Ethridge, Jr.
305-07 Lamar Bldg.
J. C. Floyd
Box 888
G. Rayner Gaillard
300 Rosenbaum Bldg.
Cecil E. Gantt
Route 4, Box 45
Champ C. Gipson
Box 442
Judge J. Ray Gipson
Box 442
J. V. Gipson
Box 804
Clyde Dennis Goldman
308 Lamar Blvd.
Thomas L. Goldman
Box 1928
Judge William J. Gunn
Box 222

Joseph Clay Hamilton
Box 3133
John M. Harmon
Box 1443
Robert Hunter Harmon
Box 711
J. E. Harwell
Box 367
Thomas M. Hendricks, Jr.
3136 16th Ave.
Joseph L. Herring
Box 669
Thomas K. Holyfield
Box 1928
J. Knox Huff, Jr.
300 Rosenbaum Bldg.
Philip D. Hughes
Box 1468
Alvis C. Johnson
Box 824
Granville P. Jones
Box 1562
S. B. T. Jones
Box 711
Thomas Richmond Jones, Jr.
305-07 Lamar Bldg.
Maurice F. Kahlmus
Box 1402
Lee Gibbs Kirk
1615 53rd St.
Betty Jane Long
917 Dixie Towers
Richard Guy Lord
Citizens Nat'l Bk. Bldg.
M. V. B. Miller
Box 849
Thomas Y. Minniece
305-07 Lamar Bldg.
S. R. Nettles
903 31st Ave.
Judge William de B. Neville
Chancellor
Howard R. Pigford
Box 1501
Claude L. Pitts
300 Rosenbaum Bldg.
Lawrence W. Rabb, Jr.
Box 2142
Harvey Blanton Ray
Box 449
Donovan Ready, Jr.
629 25th Ave.
William E. Ready
Box 927
Fred M. Rogers
1823 34th St.
Margaret E. Rogers
310 Pigford Bldg.
Daniel P. Self, Jr.
Box 449
C. D. Shields
Box 367
Roger B. Shows
Box 786
James F. Shumate, Jr.
Box 1445
James Taylor Singley
Box 1087
E. L. Snow
Box 786
Mrs. Frances M. St. Germain
Box 1006
De Quincy V. Sutton
Dixie Towers
W. A. Temple
Box 1641
Robert L. Tinsley, Jr.
Box 1327
J. M. Travis
Box 682
Thomas R. Ward
Box 3125
George D. Warner, Jr.
Box 449
Homer C. Watkins
Box 1952
Thomas K. Watts
Box 786
Harley A. Weeks, Jr.
Box 221
J. C. Wilbourn
Box 965
Richard E. Wilbourn II
Box 965
J. Pat Wiley
Box 804
James David Williams
Box 965
Marvin Williams
300 Rosenbaum Bldg.
Donald W. Williamson
Box 425
Lester F. Williamson
Box 86
N. S. Williamson
Box 86
L. E. Wills
Box 566
Gibson B. Witherspoon
Box 845
Henry S. Woodall
Box 11

MINTER CITY

Myron Albert Methvin

MONTICELLO

Judge J. Neville Patterson
Chancellor
J. P. Patterson
E. A. Turnage
Box 188
Robert Glenn Turnage
Box 325

MOORHEAD

Ben Himelstein

MORTON

Charles G. Clifford

MOSS POINT

James Louis Garner, Jr.
Box 356
Frank J. Hammond, Jr.
Box 356

MOUNT OLIVE

D. A. McLeod

NATCHEZ

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William A. Allain
Box 715
Basil G. Ballard
Box 1098
Edwin E. Benoist, Jr.
Box 364
Frederick C. Berger
Box 1335
Judge Robert A. Bonds, Jr.
508 Main St.
J. M. Brandon
121 N. Commerce St.
Joseph E. Brown, Jr.
Box 485
B. C. Callon
Box 1335
Carl A. Chadwick
Box 225
Judge Walter D. Coleman
C. L. Collins
319 Market St.
Joseph G. Colson, Jr.
Box 413
Stanley Cook
412 S. Rankin
E. H. Fitzpatrick, Jr.
Box 226
R. Brent Forman, Jr.
Box 1377
W. A. Geisenberger
Suite 7, Fry Bldg.
John T. Green
Box 222
Thomas K. Green
Box 262
Lucien C. Gwin
Box 375
Lucien C. Gwin, Jr.
Box 375
G. Stuart Handy
121 N. Commerce St.
Graham H. Hicks
Box 364
O. M. Hornsby
Drawer 1197
Eunice V. Johnson
405 Franklin St.
Forrest A. Johnson
508 Main St.
James H. Keyer
Robert D. Kuehnle
Box 536
S. B. Laub
Box 1377

Anabel Y. Maxie
3611 Laurel Ave.
Joseph B. Mayfield
816 Main St.
Thomas Morgan McNeely, Jr.
205 Arlington
John Ernest Mulhearn
116 S. Pearl St.
John Ernest Mulhearn, Jr.
Box 251
Clyde W. Mullins
114 S. Commerce St.
Robert L. Netterville
Box 946
Daniel J. O'Beirne
121 N. Commerce St.
William B. O'Neal
2754 Itasca Drive
C. F. Patterson
Box 92
Claude Pintard Jr.
108 S. Pearl St.
Jack Edward Pool
411 Main St.
William F. Riley
Box 174
J. Fred Schmidt, Jr.
Johns-Manville Corp.
William Marion Smith
Box 1377
Alonzo Holmes Sturgeon
Box 946
E. G. Truly
Box 1377
Frank W. Walden
319 Main St.
Edwin C. Ward
Box 1377
Calvin B. Wells
209 Fry Bldg.
Robert Y. Wood, Jr.
Box 1335
Clarence N. Young
Box 300
Joseph S. Zuccaro
Box 1335

NEW ALBANY

J. E. Boone
Box 42
Hugh N. Clayton
Box 157
William G. Collins
304 Main St.
Tom Leslie Darden
Norman L. Gillespie
Box 833
Dwayne L. Hale
Box 792
Baxter N. Knox, Jr.
Henderson Bldg.
Talmadge D. Littlejohn
Houston Bldg.
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2017 Lynn Road

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SAN FRANCISCO, CALIF.
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Boyd H. Reynolds
661 Jackson St.
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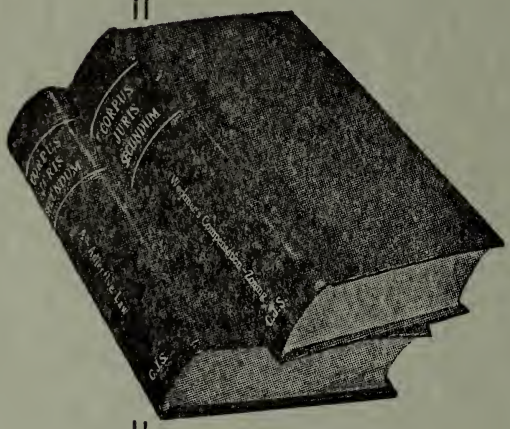

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